

Regular Meeting – P.M.November 16, 2009

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 16<sup>th</sup>, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi\*; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; Director, Regional Services, Ron Westlake\*; Subdivision Approving Officer, Ryan Smith\*; Director, Development Services, Ron Dickinson\*; Community Planning Manager, Theresa Eichler\*; Manager, Road, Drainage & Solid Waste Projects, Purvez Irani\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Community Sustainability Division, dated November 6, 2009, re: Rezoning Application No. Z09-0063 – Joan Needham – 4646 McClure Road

(a) Community Sustainability Division report dated November 6, 2009.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R1069/09/11/16** THAT Rezoning Application No. Z09-0063 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 25, Township 28, SDYD, Plan 29484, located at 4646 McClure Road, Kelowna, B.C. from the from the RU1 - Large Lot Housing zone to the RU1(s) - Large Lot Housing with Secondary Suite zone be considered by Council;

THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Building and Permitting Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to a No Disturb covenant being registered on title in order to protect the Bellevue Creek Riparian Management Area.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10264 (Z09-0063) – Joan Needham – 4646 McClure Road

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Moved by Councillor James/Seconded by Councillor Hodge

R1070/09/11/16 THAT Bylaw No. 10264 be read a first time.

Carried

3.2 Community Sustainability Division, dated October 30, 2009, re: Official Community Plan Bylaw Amendment Application No. OCP07-0022 and Rezoning Application No. Z07-0073 – Al Stober Construction Ltd. (Meiklejohn Architects Inc.) – 477 Osprey Avenue

(a) Community Sustainability Division report dated October 30, 2009.

Moved by Councillor James/Seconded by Councillor Blanleil

R1071/09/11/16 THAT OCP Bylaw Amendment No. OCP07-0022 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, D.L. 14, O.D.Y.D., Plan 4280, located on Osprey Avenue, Kelowna, B.C., from the current "Multiple Unit Residential - Medium Density" designation to the proposed "Commercial" designation, as shown on Map "A" attached to the report of Land Use Management Department, dated October 30, 2009, 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*;

AND THAT Rezoning Application No. Z07-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 14, O.D.Y.D., Plan 4280, located on Osprey Avenue, Kelowna, B.C., from the existing P2 - Education and Minor Institutional zone to the proposed C4 - Urban Centre Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0022 and 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 Development Engineering 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 Permit and Development Variance Permit on the subject property.

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

(i) Bylaw No. 10265 (OCP07-0022) – Al Stober Construction Ltd. (Meiklejohn Architects Inc.) – 477 Osprey Avenue – Requires a majority of all Members of Council (5)

Moved by Councillor Hodge/Seconded by Councillor James

R1072/09/11/16 THAT Bylaw No. 10265 be read a first time;

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

Carried

- (ii) Bylaw No. 10266 (Z07-0073) - Al Stober Construction Ltd. (Meiklejohn Architects Inc.) - 477 Osprey Avenue

Moved by Councillor Rule/Seconded by Councillor Hodge

R1073/09/11/16 THAT Bylaw No. 10266 be read a first time.

Carried

- 3.3 Community Sustainability Division, dated October 23, 2009, re: Development Permit Application No. DP07-0302 - 0793220 BC Ltd. (R327 Enterprises Ltd.) - 2080 Benvoulin Court

Moved by Councillor James/Seconded by Councillor Blanleil

R1074/09/11/16 THAT Development Permit No. DP07-0302, Lot B, District Lot 128, ODYD, Plan KAP83889 located at 2080 Benvoulin Court, Kelowna, B.C., be rescinded by Council.

Carried

#### 4. BYLAWS (ZONING & DEVELOPMENT)

##### (BYLAWS PRESENTED FOR ADOPTION)

Moved by Councillor James/Seconded by Councillor Blanleil

R1075/09/11/16 THAT Council receive, for information only, the Information Report from the Community Sustainability Division dated November 10, 2009 with respect to Official Community Plan Bylaw Amendment Application No. OCP07-0031, Text Amendment TA07-0006 and Z08-0019.

Carried

- 4.1 Bylaw No. 10097 (OCP07-0031) - Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) - 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road - Requires a majority of all Members of Council (5)

Moved by Councillor Rule/Seconded by Councillor Hodge

R1076/09/11/16 THAT Bylaw No. 10097 be adopted.

Carried

- 4.2 Bylaw No. 10098 (TA07-0006) - Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) - 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road

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Moved by Councillor Rule/Seconded by Councillor Hodge

R1077/09/11/16 THAT Bylaw No. 10098 be adopted.

Carried

- 4.3 Bylaw No. 10025 (Z08-0019) - Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) - 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

R1078/09/11/16 THAT Bylaw No. 10025 be adopted.

Carried

- 4.4 Bylaw No. 10158 (Z08-0117) - Edith & Daniel Buehler - 353 Clifton Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

R1079/09/11/16 THAT Bylaw No. 10158 be adopted.

Carried

- 4.5 Bylaw No. 10235 (TA09-0005) - City of Kelowna Miscellaneous Housekeeping Amendments to Zoning Bylaw No. 8000

Moved by Councillor Stack/Seconded by Councillor Reid

R1080/09/11/16 THAT Bylaw No. 10235 be adopted.

Carried

- 4.6 Bylaw No. 10240 (Z09-0036) - Satinderpal and Rajandeep Ghuman (Axel Hilmer) - 745 Renshaw Road

Moved by Councillor Stack/Seconded by Councillor Reid

R1081/09/11/16 THAT Bylaw No. 10240 be adopted.

Carried

## 5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Subdivision Approving Officer, dated November 10, 2009, re: City of Kelowna Hillside Development Guidelines

Staff:

- Introduced the Consultant, Bob Twerdoff, from AECOM.

Bob Twerdoff, Consultant:

- Gave a presentation regarding the Hillside Development Guidelines.
- Confirmed that stakeholder consultation has been ongoing throughout the process.
- Provided further details with respect to the Development Permit requirement being proposed for hillside developments.

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Moved by Councillor Hobson/Seconded by Councillor Stack

**R1082/09/11/16** THAT Council receive, for information, the report from the Subdivision Approving Officer dated November 10, 2009;

AND THAT Council endorses Schedule “A” City of Kelowna Hillside Development Guidelines attached to the report dated November 10, 2009;

AND FURTHER THAT Council direct staff to provide a draft list of the view corridors to Council for review.

Carried

5.2 Community Planning Manager, dated November 10, 2009, re: Housing Committee – Secondary Suites Recommendation

Moved by Councillor James/Seconded by Councillor Hodge

**R1083/09/11/16** THAT Council receive the motion from the Housing Committee regarding secondary suites provided in this report for information;

AND THAT Council direct staff to consider the Housing Committee’s October 13, 2009 motion regarding secondary suites, when developing the Housing Strategy and updating the Zoning Bylaw;

AND THAT Council request that parking management staff consider the Housing Committee’s October 13, 2009 motion regarding Parking By-laws as part of the review scheduled for 2010 as set out in this report;

AND FURTHER THAT Council direct staff to consider the offer from Sol Terra with respect to using the Sol Terra development as a test area of the City to restrict on-street parking in residential neighbourhoods.

Carried

Councillor Blanleil – Opposed.

5.3 Director, Regional Services, dated November 9, 2009, re: Approval of Provisional Highway 33 Project Item – Pedestrian Underpass

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1084/09/11/16** THAT Council receive the report of the Director, Regional Services dated November 9, 2009;

AND THAT Council approve staff’s recommendation to re-allocate budget from the Rails with Trails project in the amount of \$500,000 from the Community Works Fund, for the inclusion of the Hwy. 33 underpass in the project to widen Hwy 33 to four lanes between Muir Rd. and Gallagher Rd. as agreed with the Ministry of Transportation & Infrastructure;

AND FURTHER THAT the 2009 Financial Plan be amended to reflect this project and the funding change.

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- 5.4 Manager, Roads, Drainage & Solid Waste Projects, dated November 10, 2009, re: Award of Construction TE09-08, Kelowna Vernon Bio-solids Composting Facility Phase 2

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1085/09/11/16** THAT the Contract for the construction of the Kelowna Vernon Bio-Solids Composting Facility Phase 2 Expansion be awarded to Greyback Construction Limited for the amount of \$6,432,137.25, which includes GST (\$306,292.25) that will be fully rebated. The contract award amount also includes a \$200,000 contingency.

AND THAT the Mayor and City Clerk are authorized to execute the Contract on behalf of the City.

Carried

6. RESOLUTIONS

- 6.1 City Clerk, Draft Resolution, re: Helicopter Landing – Santa Claus – Northern Air Support Ltd.

Moved by Councillor Stack/Seconded by Councillor Rule

**R1086/09/11/16** THAT Council grant approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna International Airport to the Kelowna Golf & Country Club and back on December 6<sup>th</sup> and 13<sup>th</sup>, 2009, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 10263 - Amendment No. 6 to Heritage Procedures Bylaw No. 7776

Moved by Councillor Stack/Seconded by Councillor Hobson

**R1087/09/11/16** THAT Bylaw No. 10263 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

- 8.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Advised that Sylvia Wedepohl is the latest recipient of the “Spirit of Kelowna” Acknowledgment. Mrs. Wedepohl trains and co-ordinates therapy dogs through the St. John’s Ambulance service.

City Clerk:

- Advised that the advanced polls for the By-Election are November 18<sup>th</sup> and 25<sup>th</sup> at the Parkinson Recreation Centre.

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Mayor Shepherd:

- Advised that Council dealt with a couple of late items during the AM Council Meeting that were not noted on the Agenda. The late items that Council dealt with included authorizing the Mayor to write a letter to UBCM requesting that they address taxation matters and a Global Warming Proclamation.

9. TERMINATION

The meeting was declared terminated at 3:34 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk