

Regular Meeting – P.M.

January 25, 2010

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, January 25, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, 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; General Manager, Community Services, John Vos\*; Manager, Urban Land Use, Danielle Noble\*; Director, Recreation & Cultural Services, Jim Gabriel\*; Manager, Sport & Facility Programs, Don Backmeyer\*; Revenue Manager, George King\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Bob Sugden, Regional Director, International Children's Winter Games, re: Introduction of Torsten Rasch, President, and Richard Smith, Games Director, International Children's Winter Games

Staff:

- Provided an update to Council with respect to the 2011 International Children's Winter Games.
- Confirmed that the Host Agreement will be signed on Tuesday, January 26, 2010 at 9:30 am at the Rotary Centre for the Arts.

Torsten Rasch, President, International Children's Winter Games:

- Addressed Council regarding his visit to Kelowna to tour the venues for the 2011 International Children's Winter Games.

Mayor Shepherd advised that Agenda Items 5.2 and 6.1 will be moved forward and dealt with immediately following Agenda Item 3.2.

3.2 Andrew Gaucher, South Pandosy Business Improvement Association, re: South Pandosy Business Improvement Area

Staff:

- Introduced the delegation from the South Pandosy Business Improvement Association.

Andrew Gaucher, South Pandosy Business Improvement Association:

- Gave a presentation regarding the South Pandosy Business Improvement Association and their desire to establish a South Pandosy Business Improvement Area.

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Moved by Councillor Stack/Seconded by Councillor Hobson

R067/10/01/25 THAT Council receive, for information, the verbal report from the South Pandosy Business Improvement Association dated January 25, 2010 with respect to the establishment of a South Pandosy Business Improvement Area.

Carried

5.2 Revenue Manager, dated January 19, 2010, re: Establishment of the South Pandosy Business Improvement Area Bylaw

Moved by Councillor Stack/Seconded by Councillor Reid

R068/10/01/25 THAT Council approve a specified area for the purpose of annually funding, over a five year period, the South Pandosy Business Improvement Area pursuant to Section 215 of the Community Charter, for the properties included within the boundary as outlined on Schedule "A" attached;

AND THAT Council give reading consideration to Bylaw No. 10270 being South Pandosy Business Improvement Area;

AND FURTHER THAT 4:00 p.m., Friday, March 5, 2010 be set as the deadline for receipt of petitions against the proposed South Pandosy Business Improvement Area bylaw.

Carried

6.1 Bylaw No. 10270 - South Pandosy Business Improvement Area Establishment Bylaw

Moved by Councillor Stack/Seconded by Councillor Reid

R069/10/01/25 THAT Bylaw No. 10270 be read a first, second and third time.

Carried

#### 4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated January 11, 2010, re: Agricultural Land Reserve Appeal No. A09-0015 – Michael & Shari Matvieshen (Travis Kuchma) – 1425 McCurdy Road East Mayor to invite the Applicant or the Applicant's Representative to come forward.

Staff:

- The Transportation Division has noted a conflict with respect to the access to the property. The access indicated by the Applicants conflicts with the location that staff anticipated.
- The A-1 Agriculture zone does have a site coverage maximum of 10% for residential development and this site has already achieved the maximum.
- The proposed detached secondary suite does not have any relation to the agricultural operations of the site and are only related to the residential component.

Mayor Shepherd invited the applicant or the applicant's representative to come forward.

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Michael & Shari Matvieshen, Applicants:

- Advised that the structure has not yet be officially converted to a suite and is only at the “roughed-in” stage.
- The secondary suite is intended to be occupied by Mrs. Matvieshen’s parents, who are farmers from Manitoba.
- They do not intend to rent out the suite for monetary purposes.
- Confirmed that a Building Permit has been issued for the construction of the garage and the house.
- Confirmed that in order to have Mrs. Matvieshen’s parents live in the suite, the property will have to be rezoned to the “s” designation.
- Advised that they purchased the property a few years ago, and at that time, they were unable to obtain an access easement from the vendor. The access to the site is located on the parent agricultural lands and the owners of those agricultural lands did not grant them an access easement.
- Confirmed that they are working with City staff with respect to the location of an additional driveway access to the site.

Moved by Councillor James/Seconded by Councillor Hodge

R070/10/01/25 THAT Agricultural Land Reserve Appeal No. A09-0015 for Lot 2 Section 26 Township 26 IDYD Plan 23935 except Plans KAP53090 and KAP84358 for a non-farm use of the subject property within the Agricultural Land Reserve, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R071/10/01/25 THAT Council direct staff to investigate policy options with respect to homesite severance applications that have access easement considerations and report back to Council.

Carried

4.2 Community Sustainability Division, dated January 15, 2010, re: Rezoning Application No. Z09-0059 - Daniel Derksen (Bruce Hendren) - 255 Benchview Road

(a) Community Sustainability Division report dated January 15, 2010.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R072/10/01/25 THAT Rezoning application No. Z09-0059 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lott 33, Section 23, Township 26, ODYD, Plan 19819, located at 255 Benchview 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;

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

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Interior Health Authority being completed to their satisfaction.

Carried

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

Bylaw No. 10285 (Z09-0059) - Daniel Derksen (Bruce Hendren) - 255 Benchview Road

Moved by Councillor Craig/Seconded by Councillor James

**R073/10/01/25** THAT Bylaw No. 10285 be read a first time.

Carried

4.3 Community Sustainability Division, dated January 14, 2010 re: Rezoning Application No. Z09-0078 - Blaine McKain - 650 Denali Court

(a) Community Sustainability Division report dated January 14, 2010.

Moved by Councillor Craig/Seconded by Councillor Stack

**R074/10/01/25** THAT Rezoning Application No. Z09-0078 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 43, Section 28, Township 26, ODYD, Plan KAP72143, located at Denali Court, Kelowna, BC, from the RU1h - Large Lot Housing (hillside area) zone to the RU1hs Large Lot Housing (hillside area) 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 a Building Permit for the suite be applied for prior to final adoption of the zone.

Carried

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

Bylaw No. 10286 (Z09-0078) - Blaine McKain - 650 Denali Court

Moved by Councillor Rule/Seconded by Councillor Hodge

**R075/10/01/25** THAT Bylaw No. 10286 be read a first time.

Carried

4.4 Community Sustainability Division, dated January 14, 2010, re: Rezoning Application No. Z09-0068 - Sukhjit & Bhupinder Sidhu (Axel Hilmer) - 737 Renshaw Road

(a) Community Sustainability Division report dated January 14, 2010.

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City Clerk:

- Advised that the 2005 bylaw complaint with respect to this property had been closed and the 2009 bylaw complaint is the reason why this application is before Council for consideration.

Councillor Hobson left the meeting at 2:37 p.m.

Moved by Councillor James/Seconded by Councillor Stack

**R076/10/01/25** THAT Rezoning Application No. Z09-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, District Lot 143, ODYD, Plan KAP76112, located at Renshaw Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s 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 a Building Permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the discharge of the restrictive covenant;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10287 (Z09-0068) - Sukhjit & Bhupinder Sidhu (Axel Hilmer) - 737 Renshaw Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

**R077/10/01/25** THAT Bylaw No. 10287 be read a first time.

Carried

5. **NON-DEVELOPMENT APPLICATION REPORTS**

- 5.1 General Manager, Community Sustainability; General Manager, Community Services; and General Manager, Corporate Sustainability, dated January 20, 2010, re: Quarterly Report Update

Staff:

- Gave a presentation regarding the Fourth Quarter Report for 2009.
- Advised that the Gordon Drive bridge reconstruction will take place during June, July & August of 2010, which will result in the closure of a portion of Gordon Drive from Lexington Drive to Cook Road.

Council:

- Expressed a concern regarding the closure of a portion of Gordon Drive during the reconstruction of the bridge.

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- 5.2 Revenue Manager, dated January 19, 2010, re: Establishment of the South Pandosy Business Improvement Area Bylaw

Agenda Item 5.2 was moved forward and dealt with immediately after Agenda Item 3.2

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 10270 - South Pandosy Business Improvement Area Establishment Bylaw

Agenda Item 6.1 was moved forward and dealt with immediately after Agenda Items 3.2 and 5.2.

7. MAYOR & COUNCILLOR ITEMS

- 7.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged Sherri Newcomen as the latest recipient of the "Spirit of Kelowna" Acknowledgment. Ms. Newcomen is the Chair of the City's Accessibility Advisory Committee and is an advocate of accessibility issues within the Okanagan Valley.

Mayor Shepherd:

- Read a poem written by Rev. Albert Baldeo regarding his upcoming opportunity to be an Olympic Torch Bearer.

Councillor Rule:

- Advised that the grand opening for the new Rutland location of the Central Okanagan Library is Tuesday, January 26, 2010 at 5:00 pm at Plaza 33 in Rutland.

8. TERMINATION

The meeting was declared terminated at 3:24 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/dld