

Regular Meeting – P.M.

March 22, 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, March 22nd, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillors Andre Blanleil and Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Urban Land Use Manager, Danielle Noble*; Cultural Services Manager, Sandra Kochan*; Manager, Property Management, Ron Forbes*; Community Planning Manager, Theresa Eichler*; 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 Reid was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Jennifer Pickering, Artistic & Administrative Director, and Kevin Michael Witzke, Vice-President, Board of Directors, Alternator Centre for Contemporary Art, re: City of Kelowna Professional Arts Grant Recipient Presentation

Staff:

- Introduced the members in attendance from the Alternator Centre for Contemporary Art.

Artistic & Administrative Director, Jennifer Pickering, and Vice-President, Board of Directors, Kevin Michael Witzke:

- Gave a presentation to Council regarding the City of Kelowna Professional Arts Grant.

3.2 Pooja Anand, Miss Kelowna Lady of the Lake (2009/2010) and Caitlin Hansum, Princess (2009/2010), re: Overview of Trip to Kasugai, Japan

Miss Kelowna Lady of the Lake, Pooja Anand, and Princess, Caitlin Hansum:

- Gave a presentation to Council regarding their trip to Kasugai, Japan.
- Made a presentation to Mayor Shepherd, on behalf of Council, in recognition of Council's support of the Miss Lady of the Lake Society.

3.3 City of Kelowna 2009 Parade Float Presentation

Staff:

- Gave a presentation regarding the City of Kelowna 2009 Parade Float.

Mayor Shepherd:

- Presented Clarence Johnson with a pin from the City of Moncton, New Brunswick in appreciation of his volunteerism as the driver of the City of Kelowna Parade Float over the past year.

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Clarence Johnson:

- Thanked Council for their commitment to the Float's activities.

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Community Sustainability Division, dated March 10, 2010, re: Rezoning Application No. Z10-0010 - Bryana & Bradley Greenhalgh - 475 Taylor Road

- (a) Community Sustainability Division report dated March 10, 2010.

Moved by Councillor Craig/Seconded by Councillor Hodge

R199/10/03/22 THAT Rezoning Application No. Z10-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 22, Township 26, ODYD, Plan 28652, located at 475 Taylor Rd, Kelowna B.C. from the RU1 - Large Lot Housing zone to the RU1s - 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;

AND THAT a Building Permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering and Rutland Waterworks District being completed to their satisfaction.

Carried

- (b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10309 (Z10-0010) - Bryana & Bradley Greenhalgh - 475 Taylor Road

Moved by Councillor James/Seconded by Councillor Craig

R200/10/03/22 THAT Bylaw No. 10309 be read a first time.

Carried

- 4.2 Community Sustainability Division, dated March 11, 2010, re: Official Community Plan Amendment Application No. OCP10-0002 and Temporary Use Permit Application No. TUP10-0001 - City of Kelowna - 3326 Lakeshore Road

- (a) Community Sustainability Division report dated March 11, 2010.

Staff:

- Confirmed that the informal parking along Watt Road will remain until such time as the property is developed for park purposes.

Moved by Councillor Stack/Seconded by Councillor Hodge

R201/10/03/22 THAT OCP Bylaw Text Amendment No. OCP10-0002 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by deleting the Temporary Use Permit Area table in Chapter 19 - Temporary Commercial and

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Industrial Use Permits and replacing it with a new table as per Schedule "A" attached to the report of Land Use Management Department, dated March 11th, 2010, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated March 11th, 2010;

AND THAT the OCP Bylaw Amendment No. OCP10-0002 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council authorize Temporary Use Permit No. TUP10-0001 to allow "Non-Accessory Parking" on Lot 27, District Lot 14, ODYD, Plan 2708, located at 3326 Lakeshore Road, Kelowna, B.C, as shown on Map "A" attached to the report of the Land Use Management Department, dated March 11th, 2010, subject to the following conditions:

- a) That the area required for the parking lot be landscaped and fenced in accordance with Schedule 'A';
- b) That a hard, dust free surface be provided for this parking area.

Carried

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

Bylaw No. 10310 (OCP10-0002/TUP10-0001) - City of Kelowna - 3326 Lakeshore Road - Requires a majority of all Members of Council (5)

Moved by Councillor Craig/Seconded by Councillor James

R202/10/03/22 THAT Bylaw No. 10310 be read a first time;

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

Carried

4.3 Community Sustainability Division, dated March 10, 2010, re: Rezoning Application No. Z09-0060 - FAA Enterprises Ltd. & Frank Aiello (Frank Aiello) - 4170 McClain Road

- (a) Community Sustainability Division report dated March 10, 2010.

Moved by Councillor Rule/Seconded by Councillor Hodge

R203/10/03/22 THAT Rezoning Application No. Z09-0060 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 75, Sections 2 and 3, Township 26, ODYD, Plan 1247, located at McClain Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the A1(s) - Agriculture 1 with a 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 a Building Permit is applied for prior to final adoption of the zone amending bylaw.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10312 (Z09-0060) - FAA Enterprises Ltd. & Frank Aiello (Frank Aiello) - 4170 McClain Road

Moved by Councillor James/Seconded by Councillor CraigR204/10/03/22 THAT Bylaw No. 10312 be read a first time.Carried

4.4 Community Sustainability Division, dated March 10, 2010, re: Rezoning Application No. Z08-0113 and Land Use Contract Application No. LUC09-0001 - Tom & Marlene Tobin - 7850 Highway 97 North

(a) Community Sustainability Division report dated March 10, 2010.

Staff:

- Advised that the servicing on the site is within the jurisdiction of the City of Kelowna.
- Advised that the applicants originally agreed to demolish the mobile home on the property; however they have now changed their plans for the site.

City Manager:

- Advised that there is no formal agreement with the District of Lake Country regarding access or rezoning of the subject property, given its proximity to both the City of Kelowna and the District of Lake Country.

Moved by Councillor James/Seconded by Councillor Craig

R205/10/03/22 THAT Application Number LUC09-0001 to discharge the Land Use Contract 76-1055 for Lot 1, Section 34, Township 23, ODYD Plan 28654 except plan 40322 located on Highway 97 N., Kelowna, BC, be considered by Council;

AND THAT Land Use Contract number (LUC09-0001) 76-1055 be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z08 -0113 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 34, Township 23, O.D.Y.D., Plan 28654 except plan 40322, located on Highway 97 N, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s Agriculture 1 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 subject to registration of a no-disturb/no-build covenant to preserve the steep slopes areas of the property (specifically between elevation contours 456m-474m and between 485m-496m);

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AND FURTHER THAT an occupancy permit is issued for the suite be applied for prior to final adoption of the zone.

Carried(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10313 (LUC09-0001) - Thomas & Marlene Tobin - 7850 Highway 97 North

Moved by Councillor Stack/Seconded by Councillor ReidR206/10/03/22 THAT Bylaw No. 10313 be read a first time.Carried

- (ii) Bylaw No. 10314 (Z08-0113) - Thomas & Marlene Tobin - 7850 Highway 97 North

Moved by Councillor Reid/Seconded by Councillor StackR207/10/03/22 THAT Bylaw No. 10314 be read a first time.Carried

4.5 Community Sustainability Division, dated March 5, 2010, re: Rezoning Application No. Z09-0082 - Andre & Eileen Blanleil (Maurice & Shannon Blanleil) - 4439 Wallace Hill Road

- (a) Community Sustainability Division report dated March 5, 2010.

Staff:

- Advised that at the time of issuance of the Development Permit, the applicant will have to demonstrate that the floor area of the secondary suite meets the City's requirement of 90m².
- Believe that the site is large enough to accommodate the City's parking requirements.

Moved by Councillor Stack/Seconded by Councillor Reid

R208/10/03/22 THAT Rezoning Application No. Z09-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B District Lot 360 ODYD Plan 31395, located at 4439 Wallace Hill Rd, Kelowna, B.C. from the RR2 - Rural Residential 2 zone to the RR2s - Rural Residential 2 with 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 Development Engineering Branch, Interior Health Authority, and South East Kelowna Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to receipt of a Building Permit application for the secondary suite.

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

Bylaw No. 10315 (Z09-0082) – Andre & Eileen Blanleil (Maurice & Shannon Blanleil) – 4439 Wallace Hill Road

Moved by Councillor Stack/Seconded by Councillor Reid

R209/10/03/22 THAT Bylaw No. 10315 be read a first time.

Carried

4.6 Community Sustainability Division, dated March 11, 2010, re: Development Permit Application No. DP07-0261 and Development Variance Permit Application No. DVP08-0212 – P218 Enterprises Ltd. & Wayne Holdings Ltd. (Busby Perkins & Will) – 2970-3030 Pandosy Street

(a) Community Sustainability Division report dated March 11, 2010.

Staff:

- Advised that the Housing Agreement is one of the outstanding conditions that need to be met in order to have the Development Permit issued.
- Confirmed that the specific units are rental units.

Moved by Councillor Hodge/Seconded by Councillor Stack

R210/10/03/22 THAT Council defer authorization of the Housing Agreement between the City of Kelowna and P218 Enterprises & Wayne Holdings Ltd. pending receipt of clarification from staff with respect to the number of designated purpose-built rental housing units.

Carried

(b) **BYLAW PRESENTED FOR FIRST THREE READINGS**

Bylaw No. 10308 – Housing Agreement Authorization Bylaw – P218 Enterprises Ltd. & Wayne Holdings Ltd. – 2970-3030 Pandosy Street

The Bylaw was not considered by Council.

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 10250 (Z09-0027) – JQ Developments Inc. (QB Habitat Resources Inc.) – 248 Leon Avenue

Moved by Councillor Craig/Seconded by Councillor James

R211/10/03/22 THAT Bylaw No. 10250 be adopted.

Carried

Councillor James – Opposed.

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- 5.2 Bylaw No. 10282 (Z09-0074) - Satinderpal & Rajandeep Ghuman (Axel Hilmer) - 1305 Roth Avenue

Moved by Councillor James/Seconded by Councillor Craig

R212/10/03/22 THAT Bylaw No. 10282 be adopted.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING)

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

Moved by Councillor Hodge/Seconded by Councillor Rule

R213/10/03/22 THAT Bylaw No. 10270 be rescinded at third reading.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.2 Bylaw No. 10292 - Amendment No. 34 to the Water Regulation Bylaw No. 2173

Moved by Councillor Hodge/Seconded by Councillor Rule

R214/10/03/22 THAT Bylaw No. 10292 be adopted.

Carried

- 6.3 Bylaw No. 10304 - Amendment No. 30 to Sewerage System User Bylaw No. 3480

Moved by Councillor Rule/Seconded by Councillor Hodge

R215/10/03/22 THAT Bylaw No. 10304 be adopted.

Carried

- 6.4 Bylaw No. 10307 - Amendment No. 2 to Solid Waste Management Regulation Bylaw No. 10106

Moved by Councillor Rule/Seconded by Councillor Hodge

R216/10/03/22 THAT Bylaw No. 10307 be adopted.

Carried

7. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Bruce Hamilton as the latest recipient of the "Spirit of Kelowna" Acknowledgment for his outstanding support of the community.

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Mayor Shepherd:

- Advised that today is "World Water Day".
- Reminded Council that "Earth Hour" has been scheduled for Saturday, March 27, 2010 from 8:30 pm to 9:30 pm and encouraged everyone to participate.

8. TERMINATION

The meeting was declared terminated at 2:53 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk