

Special Meeting - P.M.May 31, 2010

A Special Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, May 31<sup>st</sup>, 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\*; Acting City Manager, Paul Macklem\*; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; Director, Policy & Planning, Signe Bagh\*; Director of Strategic Initiatives, David Graham\*; Manager, Parks & Public Spaces, Terry Barton\*; Director, Infrastructure Planning, Randy Cleveland\*; Project Manager, Integrated Systems, Mark Watt\*; Community Planning Manager, Theresa Eichler\*; Records & Information Coordinator, Cory Gain\*; Planner Specialist, Maria Stanborough\*; Manager, Park Services, Ian Wilson\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the special meeting to order at 1:40 p.m.

2. Councillor Reid was requested to check the minutes of the special meeting.

3. COMMITTEE REPORTS

3.1 Women's and Community Advisory Committee, dated May 13, 2010, re: Women's and Community Advisory Committee - 2009 Annual Report and 2010 Work Plan

Staff:

- Introduced the Chair of the Committee, Micki Smith.

Micki Smith, Chair, Women's and Community Advisory Committee:

- Gave a presentation regarding the Committee's 2009 Annual Report and 2010 Work Plan.

Moved by Councillor Hodge/Seconded by Councillor Rule

R474/10/05/31 THAT Council receive the report from the Women's and Community Advisory Committee, dated May 13, 2010 for information;

AND THAT Council endorse the recommendations from the community forum, "Women - Voices for Change" as outlined in the report from the Women's and Community Advisory Committee, dated May 13, 2010;

AND FURTHER THAT Council endorse the Women's and Community Advisory Committee 2010 Work Plan.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated May 11, 2010, re: Rezoning Application No. Z10-0027 - Robert Andrew Hutchison - 3514 Casorso Road

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

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**R475/10/05/31** THAT Rezoning Application No. Z10-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 134 ODYD Plan 35145, located at 3514 Casorso Rd, Kelowna, B.C. from the RU2 - Medium Lot Housing zone to the RU2s - Medium 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 final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT a building permit for the suite be issued and the requirements for an occupancy permit be completed prior to final adoption of the zone.

Carried

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

Bylaw No. 10347 (Z10-0027) - Robert Hutchison - 3514 Casorso Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

**R476/10/05/31** THAT Bylaw No. 10347 be read a first time.

Carried

4.2 Community Sustainability Division, dated May 13, 2010, re: Rezoning Application No. Z10-0030 - Douglas & Lindsey Neyedli - 4631 Darin Place

(a) Community Sustainability Division report dated May 13, 2010.

Moved by Councillor James/Seconded by Councillor Craig

**R477/10/05/31** THAT Rezoning Application No. Z10-0030 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, District Lot 357, ODYD Plan KAP57058, located at Darin Place, 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 FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

Carried

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

Bylaw No. 10348 (Z10-0030) - Douglas & Lindsey Neyedli - 4631 Darin Place

Moved by Councillor Reid/Seconded by Councillor Blanleil

**R478/10/05/31** THAT Bylaw No. 10348 be read a first time.

Carried

4.3 Community Sustainability Division, dated May 7, 2010, re: Rezoning Application No. Z10-0007 - Skoglund Enterprises Ltd. (Worman Resources Inc.) - 1830-1836 Underhill Street

(a) Community Sustainability Division report dated May 7, 2010.

Moved by Councillor James/Seconded by Councillor Hobson

**R479/10/05/31** THAT Rezoning Application No. Z10-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, District Lot 127, ODYD, Plan KAP90650, located at 1830-1836 Underhill Street, Kelowna, B.C. from the C2 - Neighbourhood Commercial zone to the C4 - Urban Centre Commercial zone as shown on Map "A" attached to the report of the Land Use Management Department, dated May 7, 2010, be considered by Council;

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

Carried

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

Bylaw No. 10349 (Z10-0007) - Skoglund Enterprises Ltd. (Worman Resources Inc.) - 1830-1836 Underhill Street

Moved by Councillor Stack/Seconded by Councillor Hobson

**R480/10/05/31** THAT Bylaw No. 10349 be read a first time.

Carried

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

Bylaw No. 10318 (TA10-0001) - Kettle Valley Holdings Ltd. (New Town Architecture Services Inc.) - 5920 Chute Lake Road

Moved by Councillor Stack/Seconded by Councillor Hobson

**R481/10/05/31** THAT Bylaw No. 10318 be adopted.

Carried

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- (b) Community Sustainability Division, dated May 14, 2010, re: Development Permit Application No. DP10-0002 - Kettle Valley Holdings Ltd. (New Town Architecture Services Inc.) - 433 McCarren Avenue

Moved by Councillor James/Seconded by Councillor Craig

**R482/10/05/31** THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 10318 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP10-0002 for Lot 2 Sections 23 and 24 Township 28 SDYD Plan KAP90592, located on 433 McCarren Ave, Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) 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;
- e) The applicant be required to satisfy the Development Engineering Branch & Infrastructure Planning (Parks) requirements prior to issuance of the Development Permit.

Carried

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

- (i) Bylaw No. 10320 (TA10-0004) - T252 Enterprises Ltd. - 435 Harvey Avenue

Moved by Councillor James/Seconded by Councillor Craig

**R483/10/05/31** THAT Bylaw No. 10320 be adopted.

Carried

- (ii) Bylaw No. 10311 (Z10-0001) - T252 Enterprises Ltd. (John Adams) - 435 Harvey Avenue

Moved by Councillor Craig/Seconded by Councillor James

**R484/10/05/31** THAT Bylaw No. 10311 be adopted.

Carried

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- (b) Community Sustainability Division, dated May 14, 2010, re: Development Permit Application No. DP10-0008 - T252 Enterprises Ltd. (John Adams) - 435 Harvey Avenue

Moved by Councillor Stack/Seconded by Councillor Craig

R485/10/05/31 THAT Final Adoption of Text Amending Bylaw No. 10320 be considered by Council;

AND THAT Final Adoption of Zone Amending Bylaw No. 10311 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP10-0008 for Lot A, D.L. 139, ODYD, Plan 35149 located at 435 Harvey Avenue, Kelowna, 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 FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

## 5. BYLAWS (ZONING & DEVELOPMENT)

### (BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10295 (TA10-0003) - City of Kelowna - Text Amendment to Zoning Bylaw No. 8000 - Breweries and Distilleries Major and Minor

Moved by Councillor Rule/Seconded by Councillor Hodge

R486/10/05/31 THAT Bylaw No. 10295 be adopted.

Carried

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

Councillor Blanleil declared a conflict of interest as his parents and brother are the owners and applicant of the subject property and left the meeting at 1:52 p.m.

Moved by Councillor Rule/Seconded by Councillor Hodge

R487/10/05/31 THAT Bylaw No. 10315 be adopted.

Carried

Councillor Blanleil returned to the meeting at 1:53 p.m.

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Director of Strategic Initiatives, dated May 25, 2010, re: Memorandum of Understanding between Westbank First Nations and the City of Kelowna

Moved by Councillor Hodge/Seconded by Councillor Stack

R488/10/05/31 THAT Council receive, for information, the Memorandum of Understanding between the Westbank First Nation and the City of Kelowna as attached to the report of the Director of Strategic Initiatives dated May 25, 2010;

AND THAT Council directs staff to conduct a workshop with Westbank First Nations prior to the City of Kelowna entering into the Memorandum of Understanding.

Carried

6.2 Planner Specialist, dated May 11, 2010, re: Properties to Remove from the Heritage Register

Staff:

- Displayed "before" and "after" photos of three (3) of the subject properties.
- Confirmed that the properties owners have been notified by mail and were advised of the Council Meeting.
- Advised that the Heritage Grants Program is administered through the Central Okanagan Foundation and letters are sent out on an annual basis advising heritage home owners that funding is available.
- Advised that there were originally twelve (12) properties that were flagged for removal from the heritage register.

Moved by Councillor Hodge/Seconded by Councillor Craig

R489/10/05/31 THAT Council endorse the removal of four properties from the Heritage Register:

- 1331 Ellis Street, the former Okanagan Packers Warehouse (now demolished)
- 987 Lawrence Avenue;
- 344 Park Avenue;
- 1812 Riverside Avenue.

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6.2 (a) Councillor Hobson, re: Sustainable Communities Award from FCM

Councillor Hobson advised that the City of Kelowna won a Sustainable Community Award from the Federation of Canadian Municipalities which recognizes Kelowna's use of residential development zoning as a means to create a variety of housing options in all neighbourhoods.

Mayor Shepherd presented the Award to the City's Director, Policy & Planning, and Community Planning Manager.

6.3 Manager, Parks & Public Places, dated May 19, 2010, re: New Off-Leash Dog Parks

Staff:

- Will be considering another off-leash dog park in the downtown area once the dog park at the old KSS site has been decommissioned.
- Confirmed that Cedar Creek beach is the only park that would be considered a dog "water" park.

Moved by Councillor Hodge/Seconded by Councillor Craig

**R490/10/05/31** THAT Council receive, for information, the report of Manager, parks and Public Places dated May 19, 2010 with respect to new off-leash dog parks and new on-leash dog parks;

AND THAT Council amend Policy No. 258, Dog Walking and Dog Off-Leash Parks, as attached to Schedule "A" in the Report of the Manager, Parks & Public Places dated May 19, 2010.

Carried

Moved by Councillor Hodge/Seconded by Councillor Rule

**R491/10/05/31** THAT Council directs staff to investigate options for dog water parks within the City of Kelowna and the concept of a "doggy dip" area along the foreshore of Okanagan Lake;

AND THAT Council directs staff to consider options for an off-leash dog park within the downtown area of the City prior to the decommissioning of the off-leash dog park on the old KSS site;

AND FURTHER THAT staff report back to Council with the options for Council's consideration.

Carried

Councillors Blanleil, James and Stack - Opposed.

6.4 Manager, Strategic Projects, dated May 25, 2010, re: District Energy Feasibility Study - Pandosy Area

Staff:

- Gave a presentation regarding the proposed District Energy Feasibility Study for the Pandosy area.

The City Manager left the meeting at 2:47 p.m. The Acting City Manager joined the meeting at 2:47 p.m.

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**R492/10/05/31** THAT Council directs staff to use \$95,000 from the Energy Reserve towards completing the technical feasibility for a District Energy System in the Pandosy Center area;

AND THAT the 2010 Financial Plan be amended to transfer \$95,000 to the Corporate Carbon Energy/Emissions Plan (2010 capital project) budget from the Energy Reserve;

AND FURTHER THAT Council supports a Preliminary Assessment Submission to P3 Canada for capital funding as soon as possible.

Carried

## 7. RESOLUTIONS

7.1 City Clerk, Draft Resolution, re: Bylaw No. 10323 (OCP09-0013) and Bylaw No. 10324 (Z09-0044) - Various Owners (City of Kelowna) - Dilworth Mountain Estates

City Clerk:

- Provided clarification with respect to the draft Resolution.
- Confirmed that staff will be recommending that the School District's sites be zoned as P2.
- Confirmed that the Director, Land Use Management will be asking the School District to submit their comments regarding the zoning amendments.

Moved by Councillor Rule/Seconded by Councillor Blanleil

**R493/10/05/31** THAT Council direct staff to amend Official Community Plan Bylaw Amendment Application No. OCP09-0013 and Rezoning Application No. Z09-0044 related to the discharge of the Dilworth Land Use Contract for future consideration.

Carried

## 8. MAYOR & COUNCILLOR ITEMS

8.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged the "Students in Free Enterprise" as the latest recipient of the "Spirit of Kelowna" Acknowledgment.

Mayor Shepherd:

- Advised that the recommendations from the Provincial Elections Task Force have been released by the Province.

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8. TERMINATION

The special meeting was declared terminated at 3:17 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk