

Regular Meeting – P.M.

June 18, 2012

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, June 18th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil*, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh and Luke Stack*.

Council members absent: Councillor Gerry Zimmermann.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; City Clerk, Stephen Fleming*; Director, Communications, Carla Stephens*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Planner Specialist, Pat McCormick*; Fire Chief, Jeff Carlisle*; Property Officer, Tammy Abrahamson*; Director, Development Services, Mo Bayat*; Community Planning Manager, Theresa Eichler*; Planner, Lauren Sanbrooks*; Communications Supervisor, Jodie Foster Sexsmith*; Manager, Property Management, Ron Forbes*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:35 p.m.

Mayor Gray advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. CONFIRMATION OF MINUTES

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Moved by Councillor Singh/Seconded by Councillor Given

R562/12/06/18 THAT the Minutes of the Regular PM Meeting of June 11, 2012 be confirmed as circulated.

Carried

3. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

3.1 Land Use Management Department, dated June 6, 2012, re: Text Amendment Application No. TA12-0006 – Pier Mac Petroleum Installations Ltd. (Robert Morrell) – 1433 Velocity Street

Moved by Councillor Hobson/Seconded by Councillor Stack

R563/12/06/18 THAT Zoning Bylaw Text Amendment No. TA12-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated June 6, 2012, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

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- 3.1.1 Bylaw No. 10723 (TA12-0006) – Pier Mac Petroleum Installations Ltd. (Robert Morrell) – 1433 Velocity Street – Zoning Amendments for the CD15 – Airport Business Park

Moved by Councillor Hobson/Seconded by Councillor Singh

R564/12/06/18 THAT Bylaw No. 10723 be read a first time.

Carried

- 3.2 Land Use Management Department, dated June 1, 2012, re: Rezoning Application No. Z11-0081 – Regional District of Central Okanagan, Central Okanagan Land Trust and Crown (Regional District of Central Okanagan) – Various Addresses

Moved by Councillor Hobson/Seconded by Councillor DeHart

R565/12/06/18 THAT Rezoning Application No. Z11-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of those parcels or portions thereof shown on “Attachment 1” attached to the Report of the Land Use Management Department dated June 1, 2012, from the A1 – Agriculture 1 and RU1 – Large Lot Housing zones to the P3 – Major Park / Open Space zone, as shown on Map “B” attached to the Report of the Land Use Management Department dated June 1, 2012, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

- 3.2.1 Bylaw No. 10724 (Z11-0081) – Regional District of Central Okanagan, Central Okanagan Land Trust and Crown (Regional District of Central Okanagan) – Various Addresses

Moved by Councillor Blanleil/Seconded by Councillor Basran

R566/12/06/18 THAT Bylaw No. 10724 be read a first time.

Carried

- 3.3 Land Use Management Department, Supplemental Report dated June 5, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0008 and Rezoning Application No. Z11-0062 – R 366 Enterprises Ltd. (Ekistics Town Planning Inc.) – 2241 Springfield Road

Councillor Stack declared a conflict of interest with respect to Agenda Item Nos. 3.3 & 3.4 as the Society of Hope, which he is affiliated with owns property within the notification area of the subject properties and left the meeting at 1:48 p.m.

Councillor Blanleil declared a conflict of interest with respect to Agenda Item Nos. 3.3 & 3.4 as his business owns property within the notification area of the subject properties and left the meeting at 1:48 p.m.

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Moved by Councillor Given/Seconded by Councillor Hobson

R567/12/06/18 THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated June 5, 2012 with respect to the requested Traffic Impact Study for OCP11-0008, TA12-0001, and Z11-0062;

AND THAT Council waives the requirement for staff to review a Retail Impact Analysis with respect to OCP11-0008 prior to a Public Hearing;

AND FURTHER THAT the Official Community Plan Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.4 Land Use Management Department, Supplemental Report dated June 13, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0009, Text Amendment Application No. TA11-0008 and Rezoning Application No. Z11-0063 – R 366 Enterprises Ltd. (Ekistics Town Planning Inc.) – 2030 Benvoulin Road and 2190 Mayer Road

Moved by Councillor Hobson/Seconded by Councillor Given

R568/12/06/18 THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated June 13, 2012 with respect to the requested Traffic Impact Study for OCP11-0009, TA11-0008 and Z11-0063;

AND THAT Official Community Plan Bylaw Amendment No. OCP11-0009 (Bylaw 10634) be amended at first reading to include an amendment to Map 5.8 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by adding the Comprehensive Development Permit Area Designation to Lot 3, District Lot 142, ODYD, Plan KAP82214 and Lot 4, District Lot 142, ODYD, Plan KAP82214, located at 2030 Benvoulin Road and 2190 Mayer Road, Kelowna, B.C., as shown on Map “A” attached to the Report of Land Use Management Department dated June 13, 2012, be considered by Council;

AND FURTHER THAT the Official Community Plan Bylaw Amendment Bylaw, the Text Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.4.1 Bylaw No. 10634 (OCP11-0009) – R 366 Enterprises Ltd. (Ekistics Town Planning Inc.) – 2030 Benvoulin Road and 2190 Mayer Road – Requires a majority of all Members of Council (5)

Moved by Councillor Hobson/Seconded by Councillor Singh

R569/12/06/18 THAT Bylaw No. 10634 be amended at first reading by deleting in its entirety Map 5.8 – Urban Design DP Area Designation of “Kelowna 2030 – Official Community Plan Bylaw No. 10500” and replacing it with a new Map 5.8 – Urban Design DP Area Designation;

AND THAT the Bylaw, as amended at first reading, has been considered in conjunction with the City’s Financial Plan and Waste Management Plan.

Carried

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- 3.5 Land Use Management Department, dated June 12, 2012, re: Text Amendment Application No. TA12-0005 and Rezoning Application No. Z12-0035 – Secondary Suite Zone

Councillor Stack rejoined the meeting at 1:54 p.m.

Staff:

- Provided an overview of the proposed Text Amendment with respect to the Secondary Suite zone.

Councillor Blanleil rejoined the meeting at 1:58 p.m.

Staff:

- Advised that staff would not be supporting a secondary suite application if the structure did not meet the requirements of the BC Building Code.
- Confirmed that the only tool for compliance is the BC Building Code and that staff are willing to work with any applicant to ensure compliance.
- Responded to questions from Council regarding timelines and proposed fees.
- Advised that the only zones not included are the RU3 zone and the RU1h zone as they provide challenges to the parking requirements.

Moved by Councillor Stack/Seconded by Councillor Basran

R570/12/06/18 THAT Council receives, for information, the report from the Land Use Management Department dated June 12, 2012 with regards to a proposed text amendment that would permit secondary suites within single family dwellings throughout the City of Kelowna and to change the secondary suite zoning classifications;

AND THAT Text Amendment No. TA12-0005 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" and "Schedule B" attached to the Report of the Land Use Management Department dated June 12, 2012 be considered by Council;

AND THAT Rezoning Application No. Z12-0035 to amend City of Kelowna Zoning Bylaw No. 8000 to change the zoning classifications for all properties with the 's' zone designation with a detached accessory building containing a secondary suite (carriage house) to the 'c' zone; and to remove the 's' zone designation from the properties with a secondary suite contained within a single family dwelling, as identified in Appendix 'A' and Appendix 'B' attached to the report of the Land Use Management Department dated June 12, 2012, be considered by Council;

AND THAT Council give reading consideration to Bylaw No. 10712 being Amendment #12 to City of Kelowna Bylaw No. 7245;

AND THAT Council give reading consideration to Bylaw No. 10665 being Amendment No. 1 to Development Fees Application Bylaw No. 10560;

AND THAT Council give reading consideration to Bylaw No. 10711 being Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82;

AND FURTHER THAT final adoption of the Text Amendment bylaw and corresponding zone amending bylaw be considered concurrently with final adoption of Bylaw Nos. 10665, 10706, 10711 and 10712.

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3.5.1 City Clerk, dated May 23, 2012, re: Secondary Suite Business Licence Updates

City Clerk:

- Provided an overview of the amendments to the Business Licence Bylaw as they relate to Secondary Suites.

Moved by Councillor Basran/Seconded by Councillor Blanleil

R571/12/06/18 THAT Bylaw 10706, being Amendment No. 16 to Business Licence Bylaw No. 7878 be forwarded for reading consideration;

AND THAT Council may hear submissions directed to the business licence fee increase within the same public hearing in which the secondary suite Zoning Bylaw amendment bylaw is heard;

AND THAT the Zoning Bylaw amendment Public Hearing Notice contain an additional Notice that the public may make representations to Council regarding the business licence fee increase in the same manner as submissions may be made to the secondary suite Zoning Bylaw amendment bylaw.

Carried

3.5.2 Bylaw No. 10686 (TA12-0005) - City of Kelowna - Housekeeping Text Amendments (Secondary Suites and Carriage Houses)

Moved by Councillor Basran/Seconded by Councillor Blanleil

R572/12/06/18 THAT Bylaw No. 10686 be read a first time.

Carried

3.5.3 Bylaw No. 10714 (Z12-0035) - Various Owners (City of Kelowna) Various Addresses

Moved by Councillor Blanleil/Seconded by Councillor Basran

R573/12/06/18 THAT Bylaw No. 10714 be read a first time.

Carried

3.5.4 Bylaw No. 10665 - Amendment No. 1 to Development Application Fees Bylaw No. 10560

Moved by Councillor Stack/Seconded by Councillor DeHart

R574/12/06/18 THAT Bylaw No. 10665 be read a first, second and third time.

Carried

3.5.5 Bylaw No. 10706 - Amendment No. 16 to Business Licence and Regulation Bylaw No. 7878

Moved by Councillor DeHart/Seconded by Councillor Stack

R575/12/06/18 THAT Bylaw No. 10706 be read a first, second and third time.

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- 3.5.6 Bylaw No. 10711 – Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82

Moved by Councillor Stack/Seconded by Councillor Given

R576/12/06/18 THAT Bylaw No. 10711 be read a first, second and third time.

Carried

- 3.5.7 Bylaw No. 10712 – Amendment No. 12 to Building Bylaw, 1993, No. 7245

Moved by Councillor Given/Seconded by Councillor Stack

R577/12/06/18 THAT Bylaw No. 10712 be read a first, second and third time.

Carried

Moved by Councillor Given/Seconded by Councillor DeHart

R578/12/06/18 THAT Bylaw No. 10686, being Text Amendment TA12-0005, and Bylaw No. 10714, being Rezoning Application No. Z12-0035 be forwarded to the July 24, 2012 Public Hearing for further consideration;

Moved by Councillor Hobson/Seconded by Councillor Singh

R579/12/06/18 THAT effective June 18, 2012 Council directs staff to NOT accept new rezoning applications for secondary suites contained within a single family dwelling until Text Amendment Bylaw No. 10686 has been adopted.

Carried

- 3.6 Land Use Management Department, dated June 5, 2012, 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 and 2728 Pandosy Street

Moved by Councillor Hobson/Seconded by Councillor Basran

R580/12/06/18 THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Official Community Plan Amending Bylaw No. 10265 and Zone Amending Bylaw No. 10266, for Lot 1, D.L. 14, ODYD, Plan 4280 located on 477 Osprey Avenue, Kelowna, BC, be extended from June 15, 2012 to December 15, 2012.

Carried

4. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 4.1 Fire Chief, dated May 25, 2012, re: Fire Underwriters Survey Overview

Fire Chief:

- Introduced the Report and the Consultant

Consultant, Michael Currie, GiFireE. ASCT, Director, Western Canada:

- Displayed a PowerPoint Presentation with respect to the Fire Underwriters Survey and Distribution Policy.

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- Responded to questions from Council.
- Advised that every investment made in Fire Protection could potentially increase the City's Fire Protection Grades.
- Advised that the last time the rates were updated was in 1983.

Moved by Councillor Singh/Seconded by Councillor Blanleil

R581/12/06/18 THAT Council receive for information, the Report and Presentation from the Fire Chief dated May 25, 2012 regarding the Fire Underwriters Survey and Distribution Study.

Carried

4.2 Communications Supervisor, dated May 14, 2012, re: Environmental Achievement Awards

Moved by Councillor DeHart/Seconded by Councillor Singh

R582/12/06/18 THAT Council directs staff to hold the Environmental Achievement Awards event in the fall of 2012 as outlined in the Report of the Communications Supervisor dated May 14, 2012;

AND THAT Council directs staff to replace the Environmental Achievement Awards program with an environmental award as part of the Civic & Community Awards in 2013 and onward;

AND FURTHER THAT Council directs staff to transfer funds in the amount of Three Thousand (\$3,000.00) Dollars from the 2013 Communications budget to the Civic and Community Awards budget for the 2013 Civic & Community Awards event as outlined in the Report of the Communications Supervisor dated May 14, 2012.

Carried

Mayor Gray advised that Agenda Item No. 4.5 would be dealt with immediately after Agenda Item No. 4.3 as they are related.

4.3 Planner, Policy & Planning, dated May 31, 2012, re: Amendments to Statements of Significance for Brents Grist Mill, Surtees and St. Aidan's Church

Staff:

- Confirmed that the original Statements of Significance were prepared by a Consultant.
- Advised that the amended Statements of Significance were prepared by staff and provided to the Community Heritage Committee for comment.

Mayor Gray requested that staff present its recommendations for Agenda Item No. 4.5 prior to considering staff's recommendations for Agenda Item No. 4.4.

4.5 Planner Specialist, Urban Design, dated June 13, 2012, re: Heritage Asset Management Strategy Update

Staff:

- Advised that under "Financial/Budgetary Considerations" in the Report to Council, reference made to the "Surtees House" should read "Fleming House".
- Displayed a PowerPoint Presentation with respect to the Heritage Asset Management Strategy.
- Advised that the next steps in the process are:

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- Draft and distribute Expressions of Interest for each asset (public and invitational);
- Draft and distribute Requests for Proposals for each asset (short-list based on organizational capacity);
- Evaluate business case proposals;
- Seek Council approval of partnerships; and
- Implement contracts (Winter 2012).
- Advised that in order to move forward with the Heritage Asset Management Strategy, staff will need to:
 - identify and execute long-term partnerships for the conservation and operation of non-operational heritage assets; and
 - leverage approved funding for site development and capital improvements.

Moved by Councillor Given/Seconded by Councillor Singh

R583/12/06/18 THAT Council receives for information the Report from the Planner Specialist, Urban Design dated June 13, 2012 with respect to the Heritage Asset Management Strategy Update for six City-owned Heritage buildings.

Carried

- 4.3 Planner, Policy & Planning, dated May 31, 2012, re: Amendments to Statements of Significance for Brents Grist Mill, Surtees and St. Aidan's Church

Moved by Councillor Given/Seconded by Councillor Stack

R584/12/06/18 THAT Council receives, for information, the report from the Policy and Planning Department dated May 31, 2012, with respect to amendments to the Statements of Significance for the Brents Grist Mill, the Surtees property and St. Aidan's church;

AND THAT Council approves the amended Statement of Significance for Brents Grist Mill, Fleming House and Dairy Barn, at 2128 Leckie Place as reflected in Appendix A in the Report from the Policy and Planning Department dated May 31, 2012;

AND THAT Council approves the amended Statement of Significance for Surtees House and Barn, at 4629 Lakeshore Road as reflected in Appendix B in the Report from the Policy and Planning Department dated May 31, 2012;

AND FURTHER THAT Council approves the amended Statement of Significance for St. Aidan's church at 365 Rutland Road as reflected in Appendix C in the Report from the Policy and Planning Department dated May 31, 2012.

Carried

- 4.4 Manager, Property Management, dated June 8, 2012, re: Activity Concession Awards – City Park & Waterfront Park (Tugboat Bay)

Moved by Councillor DeHart/Seconded by Councillor Given

R585/12/06/18 THAT Council approves the City entering into a one (1) year contract, with Cash JC Investments Inc. dba Kelowna Rent a Boat, to provide activity concession services at City Park (Site A) at 1600 Abbott Street, in the form attached to the Report of the Manager, Property Management, dated June 8, 2012;

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AND THAT Council approves the City entering into a three (3) year Contract, with SUP Kelowna, to provide activity concession services at Waterfront Park (Tugboat Bay) (Site B) at 1220 Water Street, in the form attached to the Report of the Manager, Property Management, dated June 8, 2012;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with the contracts.

Carried

5. MAYOR & COUNCILLOR ITEMS - Nil.

6. TERMINATION

The meeting was declared terminated at 4:47 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk