

Regular Meeting - P.M.September 10, 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, September 10th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann.

Council members absent: Councillors Maxine DeHart and Mohini Singh.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Manager, Community Planning, Theresa Eichler*; Manager, Road, Drainage & Solid Waste Projects, Purvez Irani*; Director, Financial Services, Keith Grayston*; Manager, Capital Assets & Investment, Joel Shaw*; Director, Infrastructure Planning, Randy Cleveland*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:45 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 Hobson/Seconded by Councillor Zimmermann

R804/12/09/10 THAT the Minutes of the Regular PM Meeting of August 20, 2012 be confirmed as circulated.

Carried

3. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

3.1 City Clerk, dated August 22, 2012, re: Adoption of Secondary Suites and Corresponding Bylaws

Moved by Councillor Given/Seconded by Councillor Stack

R805/12/09/10 THAT Bylaw No. 10686 being the City of Kelowna Text Amendment No.TA12-0005 (Secondary Suites and Carriage Houses) be forwarded for adoption consideration;

AND THAT Bylaw No. 10714 being Rezoning Application No. Z12-0035 - Reclassification of Secondary Suites to Carriage Houses be forwarded for adoption consideration;

AND THAT Bylaw No. 10711 being Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be forwarded for adoption consideration;

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AND THAT Bylaw No. 10712 being Amendment No. 12 to Building Bylaw, 1993, No. 7245 be forwarded for adoption consideration;

AND THAT Bylaw No. 10706 Amendment No. 16 to Business Licence and Regulation Bylaw No. 7878 be forwarded for adoption consideration;

AND THAT Bylaw No. 10665 being Amendment No. 1 to Development Application Fees Bylaw No. 10560 be forwarded for adoption consideration;

AND THAT the zoning classifications for the properties listed on Schedule "A" attached to the report from the City Clerk dated August 22, 2012 be amended from the "s" (Secondary Suite) designation to "c" (Carriage House) designation;

AND THAT the zoning classifications for the properties listed on Schedule "B" attached to the report from the City Clerk dated August 22, 2012 be amended to remove the "s" designation;

AND FURTHER THAT Council direct staff to begin enforcing compliance to the new secondary suite requirements 30 days after final adoption of Bylaw No. 10686 being City of Kelowna Text Amendment No. TA12-0005 (Secondary Suites and Carriage Houses).

Carried

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

Moved by Councillor Given/Seconded by Councillor Stack

R806/12/10/09 THAT Bylaw No. 10686 be adopted.

Carried

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

Moved by Councillor Stack/Seconded by Councillor Given

R807/12/10/09 THAT Bylaw No. 10714 be adopted.

Carried

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

Moved by Councillor Given/Seconded by Councillor Stack

R808/12/10/09 THAT Bylaw No. 10665 be adopted.

Carried

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

Moved by Councillor Stack/Seconded by Councillor Given

R809/12/10/09 THAT Bylaw No. 10706 be adopted.

Carried

- 3.1.5 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

R810/12/10/09 THAT Bylaw No. 10711 be adopted.

Carried

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

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R811/12/10/09 THAT Bylaw No. 10712 be adopted.

Carried

- 3.2 Land Use Management Department, dated August 29, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0010 - Stephen Cipes - 4870 Chute Lake Road

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R812/12/09/10 THAT Agricultural Land Reserve appeal A12-0010 for Lot 1, Sections 24 and 25, Township 28, Similkameen Division Yale District Plan KAP78562, located at 4870 Chute Lake Road for inclusion of land in the ALR under Section 17(3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

Carried

- 3.3 Land Use Management Department, dated August 22, 2012, re: Rezoning Application No. Z11-0082 - Bernard & Christine Rinas - 4165 Wallace Hill Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R813/12/09/10 THAT Rezoning Application No. Z11-0082 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel B (DD 278127F) of Lot A, Section 3, Township 26, ODYD, Plan 12667, located at 4165 Wallace Hill Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone, be considered by Council;

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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 subject to the decommissioning of the existing mobile home to the satisfaction of the Manager, Building & Permitting;

AND THAT final adoption of the zone amending bylaw be considered subject to the registration of a Section 219 Restrictive Covenant which restricts future use of the mobile home to accessory uses (i.e. non-dwelling) only;

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

AND FURTHER THAT the suite be eligible for final occupancy prior to final adoption of the zone.

Carried

3.3.1 Bylaw No. 10755 (Z11-0082) - Bernard & Christine Rinas - 4165 Wallace Hill Road

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R814/12/10/09 THAT Bylaw No. 10755 be read a first time.

Carried

3.4 Land Use Management Department, dated July 16, 2012, re: Rezoning Application No. Z12-0049 - Hugh & Jen Bitz - 4581 Anhalt Road

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R815/12/09/10 THAT Rezoning Application No. Z12-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 358, ODYD, Plan 19849, located on 4581 Anhalt Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone be, considered by Council;

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

Carried

3.4.1 Bylaw No. 10756 (Z12-0049) - Hugh & Jennifer Bitz - 4581 Anhalt Road

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R816/12/10/09 THAT Bylaw No. 10756 be read a first time.

Carried

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- 3.5 Land Use Management Department, dated August 24, 2012, re: Rezoning Application No. Z12-0046 - 564913 BC Ltd. - 1350 St. Paul Street

Moved by Councillor Blanleil/Seconded by Councillor Basran

R817/12/09/10 THAT Rezoning Application No. Z12-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 139, ODYD, Plan KAP68461 located at 1350 St. Paul Street, Kelowna, B.C. from I2 - General Industrial zone to C7 - Central Business Commercial 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 in conjunction with Council's consideration of a Development Permit on the subject property;

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

- 3.5.1 Bylaw No. 10757 (Z12-0046) - 564913 BC Ltd. - 1350 St. Paul Street

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R818/12/10/09 THAT Bylaw No. 10757 be read a first time.

Carried

- 3.6 Land Use Management Department, dated August 23, 2012, re: Rezoning Application No. Z12-0043 - Lynae, Dennis & Darlene Igel - 391 Yates Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

R819/12/09/10 THAT Rezoning Application No. Z12-0043 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Sec. 32, Twp. 26, ODYD, Plan 15293, located at 391 Yates Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with a carriage house 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 carriage house be applied for prior to final adoption of the zone;

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

Carried

Councillors Given and Stack - Opposed.

3.6.1 Bylaw No. 10758 (Z12-0043) - Lynae, Dennis & Darlene Igel - 391 Yates Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

R820/12/10/09 THAT Bylaw No. 10758 be read a first time.

Carried

Councillors Given and Stack - Opposed.

3.7 Bylaw No. 10709 (OCP12-0002) - No. 21 Great Projects Ltd. - 1355 Steele Road - Requires a majority of all Members of Council (5)

Moved by Councillor Blanleil/Seconded by Councillor Basran

R821/12/09/10 THAT Bylaw No. 10709 be adopted.

Carried

3.7.1 Bylaw No. 10710 (Z12-0021) - No. 21 Great Projects Ltd. - 1355 Steele Road and 5000 Gordon Drive

Moved by Councillor Basran/Seconded by Councillor Blanleil

R822/12/10/09 THAT Bylaw No. 10710 be adopted.

Carried

3.7.2 Land Use Management Department, dated August 30, 2012, re: Development Permit Application No. DP12-0053 - No. 21 Great Projects Ltd. - 1355 Steele Road

Moved by Councillor Zimmermann/Seconded by Councillor Given

R823/12/09/10 THAT final adoption of Official Community Plan Amending Bylaw No. 10709 be considered by Council;

AND THAT Final Adoption of Zoning Amending Bylaw No. 10710 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0053 for Lot A, D.L. 579, SDYD, Plan EPP9618 except Plans EPP9638 and EPP15721, located at 1355 Steele Road, 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";

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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

- 3.8 Land Use Management Department, dated August 31, 2012, re: Development Permit Application No. DP12-0133 - Interior Health Authority (CEI Architecture) - 2251-2321 Pandosy Street

Moved by Councillor Hobson/Seconded by Councillor Stack

R824/12/09/10 THAT Council authorize the issuance of Development Permit No. DP12-0133 for Lot A, District Lot 14, GDYD, Plan EPP15602, located at 2251 - 2321 Pandosy Street, 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 and the site Tree Protection Plan 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 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

- 3.9 Land Use Management Department, dated August 20, 2012, re: Rezoning Application No. Z09-0077 - Rex Jardine - 4064 Lakeshore Road

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Moved by Councillor Hobson/Seconded by Councillor Basran

R825/12/09/10 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10306 (Z09-0077), for Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD Plan KAP89719, located at 4064 Lakeshore Road, Kelowna, BC be extended from June 15, 2012 to December 15, 2012.

Carried

4. BYLAWS FOR ADOPTION (Development Related)

4.1 Bylaw No. 10047 (Z08-0048) - Leo & Shirley Duford and Penny Yaworski (Penny Yaworski) - 4361 Gordon Drive

Moved by Councillor Blanleil/Seconded by Councillor Basran

R826/12/10/09 THAT Bylaw No. 10047 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

5.1 Manager, Roads, Drainage & Solid Waste Projects, dated August 28, 2012, re: Bernard Avenue Revitalization - Noise Bylaw Exemption

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

R827/12/09/10 THAT Council receives, for information, the Report from the Manager, Roads, Drainage & Solid Waste Projects dated August 28, 2012 with respect to amending the Noise Bylaw for the Bernard Avenue Revitalization project;

AND THAT Kelowna Noise and Disturbances Control Bylaw No. 6647 be amended to allow construction activities associated with the Bernard Avenue Revitalization project to occur from 0600 hours to 2400 hours from Sept 11, 2012 to May 30, 2014 to facilitate the construction schedule for the project;

AND THAT the contractor be permitted on occasions to perform minor works between 0000hrs and 0600 hours, to reduce inconveniences to businesses and pedestrians during daytime business hours;

AND FURTHER THAT Bylaw No. 10754 being Amendment No. 9 to Kelowna Noise and Disturbances Control Bylaw No. 6647 be advanced for reading consideration.

Carried

5.1.1 Bylaw No. 10754 - Amendment No. 9 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90

Moved by Councillor Basran/Seconded by Councillor Blanleil

R828/12/09/10 THAT Bylaw No. 10754 be read a first, second and third time.

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- 5.2 Manager, Community Planning, dated August 24, 2012, re: Housing Agreements

Moved by Councillor Stack/Seconded by Councillor Given

R829/12/09/10 THAT Council directs that staff, with respect to development applications submitted after September 10, 2012, to discontinue the use of housing agreements for the following:

1. affordable ownership housing secured in association with new development;
2. affordable individual rental housing units within a larger building secured in association with new development;
3. special needs housing agreements for new group living homes, minor; and
4. non-market housing when the provincial and/or federal governments are partners;

AND THAT Council directs staff to prepare text amendments to the Zoning Bylaw to delete Section 6.9 and remove the density bonuses available in return for housing agreements from the RM2, RM3, RM4, RM5, RM6 and C4 zones;

AND THAT Council rescinds Council Policy 344 - Affordable Housing or Cash-in-Lieu of Affordable Housing - Interim Policy for Zoning Bylaw Bonuses for Affordable Housing;

AND THAT Council directs staff to offer alternatives for in stream housing agreement-related applications that will ensure delivery of affordable housing commitments;

AND FURTHER THAT Council directs staff to forward for future Council consideration a report rescinding Bylaw No 8802, being "Housing Agreement Authorization Bylaw - Provincial Rental Housing Corporation - Caramillo Court and Bylaw No. 8891 being "Housing Agreement Authorization Bylaw - Okanagan Families Society - Cadder.

Carried

- 5.3 Director, Financial Services, dated August 31, 2012, re: Municipal Reserves and Debt Levels

Staff:

- Displayed a PowerPoint presentation and provided an overview of the City's Municipal Reserves and Debt levels.

Moved by Councillor Given/Seconded by Councillor Hobson

R830/12/09/10 THAT Council receive the report on Municipal Reserves and Debt Levels from the Director, Financial Services dated August 31, 2012;

AND THAT Council supports staff developing formal reserve and debt policies for further consideration.

Carried

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- 5.4 Manager, Capital Assets and Investment, dated September 10, 2012, re: Asset Management Update

Staff and Consultant, Michael Tricky:
- Displayed a PowerPoint presentation.

Moved by Councillor Hobson/Seconded by Councillor Basran

R831/12/09/10 THAT Council receives, for information, the report from the Capital Assets and Investment Manager dated September 10, 2012, with respect to the City's infrastructure Asset Management Plan.

Carried

- 5.5 City Clerk, dated August 21, 2012, re: Uptown Rutland Business Improvement Area

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R832/12/09/10 THAT Council receives for information, the Certificate of Sufficiency from the City Clerk dated August 21, 2012 pertaining to the establishment of the Uptown Rutland Business Improvement Area.

AND THAT Bylaw No. 10730 being the Uptown Rutland Business Improvement Area Bylaw be forwarded for adoption.

Carried

- 5.5.1 Bylaw No. 10730 - Uptown Rutland Business Improvement Area

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R833/12/09/10 THAT Bylaw No. 10730 be adopted.

Carried

- 5.6 Deputy City Clerk, dated August 23, 2012, re: Housing Agreement Authorization Bylaw No. 10729 - KNL Properties Ltd.

Mayor Gray requested that Council defer consideration of this Agenda Item.

- 5.6.1 Bylaw No. 10729 - Housing Agreement Authorization Bylaw - KNL Properties Ltd. - 260 Davie Road

Council did not consider this Agenda Item.

6. BYLAWS FOR ADOPTION (Non-Development Related)

- 6.1 Bylaw No. 10726 - Road Closure Bylaw - Portion of Jenkins Road - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

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- 6.2 Bylaw No. 10728 - Amendment No. 4 to Recreation and Cultural Services Fees and Charges Bylaw No. 9609

Moved by Councillor Hobson/Seconded by Councillor BlankeilR835/12/10/09 THAT Bylaw No. 10728 be adopted.Carried

- 6.3 Bylaw No. 10750 - Amendment No. 1 to Housing Agreement Authorization Bylaw No. 10183 - Mode Properties Ltd.

Moved by Councillor Hobson/Seconded by Councillor BlankeilR836/12/10/09 THAT Bylaw No. 10750 be adopted.Carried

7. MAYOR & COUNCILLOR ITEMS

- 7.1 Councillor Given, re: Acceptable uses of Accessory Buildings

Councillor Given:

- Expressed a concern when applicants construct/convert buildings that can then be used contrary to the Zoning Bylaw.

City Clerk:

- Advised that buildings are legal and that non-compliance is triggered by use rather than by the construction. One option available is to have stricter penalties for non-compliance.

7.2 Mayor & Councillor Items

Councillor Stack:

- Advised that Council passed a motion this morning directing staff to consider the permanent relocation of the Ellis Street Truck route to Gordon Drive.

Councillor Hobson:

- Provided a brief update regarding the Peachland Fire.

Mayor Gray:

- Advised that the 15th Annual Interior Drive for Life is underway and that member of the public can phone 1-888-2-DONATE to make a reservation to give blood.
- Advised that the Kelowna Scottsdale Business Council will be meeting in Kelowna this Thursday.
- Advised that the Benyoulin Church is celebrating its 120th Anniversary.
- Advised that the 50th Anniversary Celebration of the Kelowna Community Theatre will be held this Thursday night.
- Advised that he will be attending the Sutherland Hills Rest Home on Wednesday and there are nine (9) female residents celebrating their 100th or more birthday.

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8. TERMINATION

The meeting was declared terminated at 4:03 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk

DRAFT