

Regular Meeting – P.M.

October 15, 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, October 15, 2012.

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

Council members absent: Councillor Maxine DeHart.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; General Manager, Community Services, John Vos*; Manager, Urban Land Use, Danielle Noble*; Manager, Environment & Land Use, Todd Cashin*; Community Planning Manager, Theresa Eichler*; Planner, Policy & Planning, Lauren Sanbrooks*; Revenue Manager, George King*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 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 Basran

R912/12/10/15 THAT the Minutes of the Regular PM Meeting of October 1, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 2012 FortisBC PowerSense Conservation Excellence Awards

General Manager, Community Services:

- Introduced the presentation and gave opening remarks.

Mark Warren, FortisBC:

- Presented the Mayor, on behalf of the City of Kelowna, with the 2012 FortisBC PowerSense Conservation Excellence Award.

4. UNFINISHED BUSINESS

4.1 Land Use Management Department, dated October 2, 2012, re: Agricultural Land Reserve Appeal Application No. A11-0006 - Oracle Investments Inc. (Wally Leong & Dave Lange) - 5055 Stewart Road East & 4820 Stewart Road West

Staff:

- Clarified that the requested exclusion from the Agricultural Land Reserve is primarily to accommodate future road with the remaining land being designated as "future urban residential".

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- Confirmed that the subject lands are within the City's growth boundary.
- Responded to questions from Council.

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R913/12/10/15 THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated October 2, 2012;

AND THAT Agricultural Land Reserve (ALR) Appeal No. A11-0006 for the South East ¼ of Section 29 Township 29 Similkameen Division Yale District Except Plan KAP52409 and KAP52450 located at 4820 Stewart Road West; and North East ¼ of Section 20 Township 29 Similkameen Division Yale District located at 5055 Stewart Road East, Kelowna, B.C. which seeks an exclusion of land from an Agricultural Land Reserve (ALR), pursuant to Section 30(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND FURTHER THAT Municipal Council directs staff to forward the application to the Agricultural Land Commission (ALC).

Carried

5. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

5.1 Land Use Management Department, dated September 25, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0009 - Michael Dawson & Latisha Dawson (Graeme James) - 2045 Begbie Road - Mayor to invite the Applicant, or Applicant's Representative, to come forward.

Mayor Gray invited the Applicant, or Applicant's Representative, to come forward.

Graeme James, Applicants' Representative

- Clarified that the requested exclusion is for 1.15 acres of the original 10 acres of land.
- Advised that Mr. Dawson has obtained letters of support from the surrounding neighbours.
- Would prefer a three (3) year exclusion and temporary use permit as Mr. Dawson is currently looking for a permanent site for the business and feels that one (1) year is not a sufficient timeframe.
- Confirmed that the mobile home on the property is owned by Mr. Dawson.
- Advised that Mr. Dawson has been doing a lot of work to upgrade the subject property. Displayed photos of the property depicting the working currently being undertaken by Mr. Dawson.
- Clarified the use of the existing structures on the site.
- Confirmed that the address of Mr. Dawson's business is 990 Glenmore Road and the address of the permanent residence on the site is 2045 Begbie Road.
- Responded to questions from Council.

Staff:

- Confirmed that the City's records indicate that the Home-based Business Licence for Advanced Powerlines was issued for property located on Hall Road, and not Glenmore Road or Begbie Road.
- Clarified that any request for an extension would have to come before Council for consideration.

Deputy City Clerk:

- Clarified that the Agricultural Land Commission is the authority that would grant the exemption and that Council is the authority that would grant a Temporary Use Permit.

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Moved by Councillor Given/Seconded by Councillor Basran

R914/12/10/15 THAT Agricultural Land Reserve appeal A12-0009 for Lot 16, Block 4, Section 9, Township 23, Osoyoos Division Yale District Plan 896 except plans KAP64694 and KAP85916, located at 2045 Begbie Road for “non-farm uses” under Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council for a one (1) year period;

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

Carried

5.2 Land Use Management Department, dated October 5, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP12-0008 and Rezoning Application No. Z12-0052 - Heinz Strege - 2219 Mayer Road - Mayor to invite the Applicant, or Applicant’s Representative, to come forward.

Mayor Gray invited the Applicant, or Applicant’s Representative, to come forward.

Heinz Strege, Applicant

- Advised that he is requesting a change to the Official Community Plan so that he can provide supportive housing for seniors, under the RU6b designation.
- He is prepared to renovate, and make additions, to his existing residence so that he can operate the proposed supportive housing residence.
- Believes that the subject property is an ideal location for the proposed supporting housing residence for seniors as it is within walking distance to many amenities.
- Confirmed that he is prepared to put in full urban services as requested by the Development Engineering Branch.
- Confirmed that he is now the sole owner of the subject property and therefore now has 100% control over the lands.
- Responded to questions from Council.

Moved by Councillor Blanleil/Seconded by Councillor Basran

R915/12/10/15 THAT Official Community Plan Bylaw Amendment No. OCP12-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the Resource Protection Area (REP) designation to the Single/Two Unit Residential (S2RES) designation, as shown on Map “A” attached to the Report of Land Use Management Department dated October 5, 2012, be considered by Council;

AND THAT Rezoning Application No. Z12-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the A1 - Agriculture zone to the RU6b - Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and 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 issuance of a Building Permit and Unconditional Occupancy permit by the Building & Permitting Department;

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant which restricts the occupancy of the dwelling to 15 persons;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Regional District of Central Okanagan being met;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Natural Environment and Farm Protection Development Permits.

Carried
Councillors Hobson and Stack - Opposed.

5.3 Land Use Management Department, dated October 2, 2012, re: Rezoning Application No. Z12-0051 - Heinz Strege - 1460 Graham Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R916/12/10/15 THAT Rezoning Application No. Z12-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 22, Township 26, ODYD Plan 11186, except Plans H12895 and KAP70891 located on Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6b - Two Dwelling housing with boarding or lodging house 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 Variance Permit for the subject property;

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

Carried

4.3.1 Bylaw No. 10771 (Z12-0051) - Heinz Strege - 1460 Graham Road

Moved by Councillor Given/Seconded by Councillor Stack

R917/12/10/15 THAT Bylaw No. 10771 be read a first time.

Carried

5.4 Land Use Management Department, dated September 27, 2012, re: Rezoning Application No. Z12-0047 - 0872645 BC Ltd. and Onkar Singh & Ranjit Kaur Dhillon (Philip Patara) - 875 & 885 Mayfair Road

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R918/12/10/15 THAT Rezoning Application No. Z12-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 143, ODYD Plan 22026 and Lot 3, District Lot 143, ODYD Plan 22026 located on Mayfair Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU6- Two Dwelling Housing 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch being completed to their satisfaction.

Carried

5.4.1 Bylaw No. 10768 (Z12-0047) - 0872645 BC Ltd. and Onkar Singh & Ranjit Kaur Dhillon - 875 & 885 Mayfair Road

Moved by Councillor Stack/Seconded by Councillor Given

R919/12/10/15 THAT Bylaw No. 10768 be read a first time.

Carried

5.5 Land Use Management Department, dated October 5, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP12-0013 and Rezoning Application No. Z12-0054 - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue

Moved by Councillor Given/Seconded by Councillor Hobson

R920/12/10/15 THAT OCP Bylaw Amendment No. OCP12-0013 to amend Map 4.1 of the *Kelowna 2030* - Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of Lot 2, D.L. 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, B.C. from Single / Two Unit Residential to Health District, be considered by Council;

AND THAT Council considers the Public Hearing 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 October 5th, 2012;

AND THAT Rezoning Application No. Z12-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 2, D.L. 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to HD2 - Hospital & Health Support Services, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP12-0013 and 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the subject property into the larger 'Collett Manor' project as proposed under Development Permit Application No. DP12-0123 for the properties located at 2149, 2159, 2169, 2179 and 2189 Pandosy Street;

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AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to completion of a Purchase / Sale Agreement with the City for the lane purchase and relocation.

Carried

- 5.5.1 Bylaw No. 10772 (OCP12-0013) - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R921/12/10/15 THAT Bylaw No. 10772 be read a first time;

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

Carried

- 5.5.2 Bylaw No. 10773 (Z12-0054) - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R922/12/10/15 THAT Bylaw No. 10773 be read a first time.

Carried

- 5.6 Land Use Management Department, dated October 5, 2012, re: Rezoning Application No. Z10-0044 - Nathan Morden - 120 Homer Road

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R923/12/10/15 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw 10403 (Z10-0044) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC, be extended from September 21, 2012 to March 21, 2013.

Carried

6. BYLAWS FOR ADOPTION (Development Related)

- 6.1 Bylaw No. 10751 (OCP12-0003) - Various Owners (Blenk Development Corporation) - Various Wilden Addresses - **Requires a majority of all Members of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Basran

R924/12/10/15 THAT Bylaw No. 10751 be adopted.

Carried

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6.1.1 Bylaw No. 10752 (Z12-0023) - Various Owners (Blenk Development Corporation) - Various Wilden Addresses

Moved by Councillor Basran/Seconded by Councillor Blanleil

R925/12/10/15 THAT Bylaw No. 10752 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

7.1 Planner, Policy & Planning, dated October 3, 2012, re: Removal of 2120 Abbott Street from the Kelowna Heritage Register

Staff:

- Confirmed that the Community Heritage Committee used the most recent version of the Heritage Evaluation checklist and that the cultural history was included when the Committee considered the heritage value of the subject property.
- Confirmed that the current homeowner provided staff with a list of the alterations/renovations done to the property, which supports the City's records.
- Confirmed that a property would require a minimum of 60 points to be added to the Kelowna Heritage Register.
- Confirmed that the historical information regarding the property will remain, the property will just not be noted on the Kelowna Heritage Register.
- Was uncertain as to the motivation of the homeowner for removing the property from the Kelowna Heritage Register.
- Confirmed that the current homeowner did not want to have the property added to the Kelowna Heritage Register; however, as staff did not receive a letter from the homeowner indicating this, the property was placed on the Register.
- Clarified the difference between a "heritage registered property: vs. a "heritage designated property".
- Confirmed that the property is located with a Heritage Conservation Area.

Council:

- Had a discussion regarding the actual heritage value of the subject property.

Moved by Councillor Stack/Seconded by Councillor Given

R926/12/10/15 THAT Council endorses the removal of 2120 Abbott Street from the Kelowna Heritage Register.

Carried

Councillors Hobson, Singh and Zimmermann - Opposed.

7.2 Revenue Manager, dated October 10, 2012, re: 2013 Permissive Tax Exemption Bylaw No. 10759

Councillor Stack declared a conflict of interest as the Society he is affiliated with has applied for a tax exemption and left the meeting at 3:24 p.m.

Staff:

- Provided an overview of the 2013 Permissive Tax Exemption Bylaw

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R927/12/10/15 THAT Council receives, for information, the Report from the Revenue Manager dated October 10, 2012 with respect to the 2013 Permissive Tax Exemption Bylaw;

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AND THAT Bylaw No. 10759, being the 2013 Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Carried

7.2.1 Bylaw No. 10759 – 2013 Permissive Tax Exemption Bylaw

Moved by Councillor Singh/Seconded by Councillor Hobson

R928/12/10/15 THAT Bylaw No. 10759 be read a first, second and third time.

Carried

8. BYLAWS FOR ADOPTION (Non-Development Related)

Councillor Stack rejoined the meeting at 3:29 p.m.

- 8.1 Bylaw No. 10762 - Road Closure Bylaw - Portion of Road adjacent to 384 Glenwood Avenue - 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.

Moved by Councillor Hobson/Seconded by Councillor Singh

R929/12/10/15 THAT Bylaw No. 10762 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

Mayor Gray:

- Provided a synopsis of the reduction in service being proposed by Greyhound Canada that will affect the area.
- Advised that the City's Financial Services Department has been recognized by the Government Finance Officers Association for their outstanding work.

10. TERMINATION

The meeting was declared terminated at 3:33 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld