

Regular Meeting – P.M.

December 3, 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, December 3rd, 2012.

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

Staff members in attendance were: City Manager, Ron Mattiussi*; City Clerk, Stephen Fleming; Acting General Manager, Community Sustainability, Doug Gilchrist*; Manager, Urban Land Use, Danielle Noble*; Manager, Long Range Planning, Gary Stephen*; Director, Recreation & Cultural Services, Jim Gabriel*; Manager, Environment & Land Use, Todd Cashin*; Planner Specialist, Graham March*; Director, Policy & Planning, Signe Bagh*; Traffic Supervisor, Fred Wollin*; Engineering Traffic Technician, Mahesh Tripathi*; 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

Regular PM Meeting – November 26, 2012

Moved by Councillor DeHart/Seconded by Councillor Stack

R1059/12/12/03 THAT the Minutes of the Regular PM Meeting of November 26, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Director, Recreation & Cultural Services, dated November 28, 2012, re: 2012 Parade Float Activities and Awards

Staff:

- Displayed a PowerPoint Presentation and the 2012 Awards won by the Parade Float.

Councillor Hobson joined the meeting at 1:38 p.m. The City Manager joined the meeting at 1:40 p.m.

Clarence Johnson, Volunteer Parade Float Driver:

- Made comments regarding the 2012 Parade Float Activities and Awards.

4. COMMITTEE REPORTS

4.1 Director, Recreation & Cultural Services, dated November 28, 2012, re: Civic & Community Awards Nomination Period

Staff:

- Made introductory remarks.

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Beryl Itani, Chair, Civic & Community Awards Nomination Committee

- Displayed a PowerPoint Presentation and summarized the Civic & Community Award categories.
- Advised that the 38th Annual Civic & Community Awards -will be held on Wednesday, May 1, 2013 at the Kelowna Community Theatre.

5. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 5.1 Land Use Management Department, November 23, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP12-0015 - 0754028 BC Ltd. - 526 Doyle Avenue - Mayor to invite the Applicant, or Applicant's Representative, to come forward.

Staff:

- Provided an overview of the revised "Monaco" Development proposal and responded to questions from Council.

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

Tyler Dueck, Premier Pacific Group, Applicant's Representative

- Confirmed that the immediate neighbour to the north and various owners at the Madison were consulted with prior to bring this application forward to Council.
- Confirmed that the project could not go forward with a smaller floor plate than what is being proposed.
- Spoke to size details regarding the proposed day care amenity.
- Confirmed that two (2) elevators are sufficient for towers of the proposed size and height.
- Spoke to the necessity of including floors 27-30 in ensuring the financial viability of the project.

A motion by Councillor Stack to amend OCP Objective 5.5, Policy .1, Building Height to exclude the development proposed at 526 Doyle Avenue from the City Centre Building Heights Map and the 36.5m tower separation policy in order to permit a 30 storey (88m) mixed use development with two (2) towers having a separation of 19.6m was lost due to a lack of a seconder.

Council:

- Expressed a concern that although the proposal has its benefits, it is still too far beyond the downtown plan as presented today.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1060/12/12/03 THAT Council defers consideration of Official Community Plan Bylaw Amendment Application No. OCP12-0015 for the property located at 526 Doyle Avenue pending a Supplemental Report from staff with respect to further discussions with the Applicant regarding the viability of the development with a reduced floor plate variance and a greater tower separation.

Carried

- 5.2 Land Use Management Department, dated November 12, 2012, re: Rezoning Application No. Z12-0065 - Danco Developments Ltd. (Protech Consultants Ltd.) - 1650 KLO Road

Council:

- Inquired as to the history of previous proposed uses for the property.

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Moved by Councillor Basran/Seconded by Councillor Stack

R1061/12/12/03 THAT Council hear from the Applicant's Representative with respect to Rezoning Application No. Z12-0065 for the property located at 1650 KLO Road.

Carried

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- Provided further background information regarding the subject property and previous applications to the Agricultural Land Commission.
- Advised that the current owner of the property was unaware of the previous history of the property and the previous Agricultural Land Commission applications.
- Responded to questions from Council.

Moved by Councillor Blanleil/Seconded by Councillor Basran

R1062/12/12/03 THAT Rezoning Application No. Z12-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 3, District Lot 131, ODYD Plan KAP77109, located on 1650 KLO Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 and RR3 - Rural Residential 3 zones, as shown on Map "A" attached to the Report of the Land Use Management Department dated November 12, 2012 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 issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

Councillors Hobson, Stack and Zimmermann - Opposed.

5.2.1 Bylaw No. 10786 (Z12-0065) - Danco Developments Ltd. (Protech Consultants Ltd.) - 1650 KLO Road

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R1063/12/12/03 THAT Bylaw No. 10786 be read a first time.

Carried

Councillor Hobson, Stack and Zimmermann - Opposed.

5.3 Land Use Management Department, dated November 19, 2012, re: Diamond Mountain Area Structure Plan - Request for Authorization

Staff:

- Responded to questions from Council.
- Provided a synopsis of the timeline required to bring the Area Structure Plan forward to Council for consideration.
- Confirmed that principle access is being proposed from John Hindle Drive.

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Council:

- The relationship of the parcels adjacent to the City landfill needs to be explored.
- Inquired as to the rationale for the additional 1,000 lots over what is identified in the 2030 Official Community Plan.
- Expressed a concern with the impact of the 1,400 units on the mountain itself and the requirement for infrastructure upgrades triggered by the Area Structure Plan.
- Inquired as to the amenities being proposed.
- Inquired as to the DCC's the proposal may collect.

Moved by Councillor Hobson/Seconded by Councillor Basran

R1064/12/12/03 THAT Council authorizes the preparation of an Area Structure Plan for a maximum of approximately 1,405 dwelling units on the following properties, in accordance with Council Policy No. 247:

- Lot A, Sections 9, 10 and 16, Township 23, ODYD, Plan 30819, Except Plan KAP81434;
- Lot 1, Sections 9 and 10, Township 23, ODYD, Plan 1884, Except Plan 31642; and
- Lot B, Section 9, Township 23, ODYD, Plan 30819, Except Plan 38902.

Carried

- 5.4 Land Use Management Department, dated November 13, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP08-0011 and Rezoning Application No. Z07-0079 - Kathleen (Kimble) Mooney - 5007 Chute Lake Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R1065/12/12/03 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10390 and Official Community Plan Bylaw No. 10389 (Z07-0079/OCP08-0011, Kimble Mooney, 5007 Chute Lake Rd), be extended from August 24, 2012 to February 24, 2013.

Carried

- 5.5 Manager, Long Range Planning, dated November 23, 2012, re: Official Community Plan 2030 Bylaw 10500 - Miscellaneous Amendments

Staff:

- Provided an overview of the proposed Official Community Plan amendments and responded to questions from Council.

Council:

- Discussed whether additional notice should be provided for lots impacted by subdivision of land outside the Permanent Growth Boundary.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1066/12/12/03 THAT Council receives, for information, the Report from the Long Range Planning Manager dated November 23, 2012 with respect to proposed amendments to OCP 2030 Bylaw 10500;

AND THAT Bylaw No. 10746 being OCP12-0010 - Miscellaneous Amendments to the Kelowna 2030 - Official Community Plan be considered by Council;

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AND THAT, after 1st reading, Council directs staff to forward OCP Amendment Bylaw No. 10746, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, to the Agricultural Land Commission (ALC) for comments as per *Local Government Act*, Section 882(3)(c);

AND THAT Council directs staff to pursue the consultation process outlined in the Report from the Long Range Planning Manager dated November 23, 2012 and report back to Council prior to scheduling OCP Bylaw No. 10746 to a Public Hearing;

AND FURTHER THAT Council directs staff to mail out a Public Hearing Notice to the owners of parcels impacted by the subdivision of lands outside the Permanent Growth Boundary amendment.

Carried

- 5.5.1 Bylaw No. 10746 (OCP12-0010) - City of Kelowna - Miscellaneous Amendments - Requires a majority of all members of Council (5)

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R1067/12/12/03 THAT Bylaw No. 10746 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

- 5.6 Planner Specialist, Supplemental Report dated November 23, 2012, re: Official Community Plan 2030 Bylaw 10500 - Miscellaneous Amendments

Moved by Councillor Zimmermann/Seconded by Councillor Singh

R1068/12/12/03 THAT Council receives, for information, the Supplemental report from the Planner Specialist dated November 23, 2012 with respect to amendments to Official Community Plan 2030 Bylaw No. 10500;

AND THAT Bylaw No. 10753, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the January 15, 2013 Public Hearing.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 6.1 Manager, Urban Land Use, dated November 23, 2012, re: 598 Sutherland Avenue - Revitalization Tax Exemption & Housing Agreement

Staff:

- Advised that the subject property is designated as multi-unit, medium density in the Official Community Plan.

Moved by Councillor Hobson/Seconded by Councillor Stack

R1069/12/12/03 THAT Council authorizes the City to enter into a Revitalization Tax Exemption Agreement with Vant Construction Ltd. (Inc. No. BC0766256) for Lot A (being the consolidation of Lots 1 and 2, see LB403940),

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District Lot 14, ODYD, Plan 129 in the form attached to the Report from the Manager, Urban Land Use dated November 23, 2012;

AND THAT Council forwards Bylaw No. 10781 authorizing a Housing Agreement between the City of Kelowna and Vant Construction Ltd. (Inc. No. BC0766256) which requires the owners to provide sixteen (16) purpose-built rental units for a period of ten (10) years on Lot A (being a consolidation of Lots 1 and 2, see LB403940), District Lot 14, ODYD, Plan 1239, located on 598 Sutherland Avenue, Kelowna, BC, for reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreement.

Carried

6.1.1 Bylaw No. 10781 - Housing Agreement Authorization Bylaw - Vant Construction Ltd. - 598 Sutherland Avenue

Moved by Councillor Given/Seconded by Councillor Stack

R1070/12/12/03 THAT Bylaw No. 10781 be read a first, second and third time.

Carried

6.2 Supervisor, Traffic Operations, dated November 28, 2012, re: Springfield Road Speeding - 3E Response Plan

Staff:

- Displayed a PowerPoint Presentation and responded to questions from Council.
- Advised that the majority of the accidents along Springfield Road are intersection accidents.
- Advised that ICBC is providing funding grants for these types of programs.

RCMP Sgt. Jason Lucash, NCO i/c Central Okanagan Traffic Section:

- Responded to questions from Council regarding speeding on Springfield Road.

Moved by Councillor Stack/Seconded by Councillor Given

R1071/12/12/03 THAT Council receives for information the report from the Supervisor, Traffic Operations dated November 28, 2012 on an integrated response plan to increased speed control on Springfield Road;

AND THAT Council supports the implementation of the 2012 Engineering, Education and Enforcement plan for Springfield Road as outlined in the Report from the Supervisor, Traffic Operations dated November 28, 2012.

Carried

6.3 Manager, Real Estate Services, dated November 19, 2012, re: Proposed Road Closure - Adjacent to 1355 Steele Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

R1072/12/12/03 THAT Council receives, for information, the Report from the Manager, Real Estate Services dated November 19, 2012 recommending that Council adopt the proposed road closure of portions of Steele Road;

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AND THAT Bylaw Nos. 10764 and 10765, being proposed road closures of a portion of Steele Road, be forwarded for reading consideration.

Carried

- 6.3.1 Bylaw No. 10764 - Road Closure Bylaw - Portion of Road South of Frost Road adjacent to 1355 Steele Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

R1073/12/12/03 THAT Bylaw No. 10764 be read a first, second and third time.

Carried

- 6.3.2 Bylaw No. 10765 - Road Closure Bylaw - Portion of Road North of Frost Road adjacent to 1355 Steele Road

Moved by Councillor Singh/Seconded by Councillor Hobson

R1074/12/12/03 THAT Bylaw No. 10765 be read a first, second and third time.

Carried

7. BYLAWS FOR ADOPTION (Non-Development Related)

- 7.1 Bylaw No. 10763 - Road Closure Bylaw - Portion of 4465 Nottingham Road - Mayor to invite anyone in 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

R1075/12/12/03 THAT Bylaw No. 10763 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

Councillor Stack:

- Reported on the Kelowna-Kasugai Sister City Association "Taste of Japan" event that was held on Sunday, December 2, 2012.

Councillor DeHart:

- Reported on the Tree of Hope event this past weekend.

Mayor Gray:

- Reminded Council that the 2013 Budget Deliberations will be held on Thursday, December 13, 2012 in the Council Chamber commencing at 8:30 am.

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9. TERMINATION

The meeting was declared terminated at 4:24 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk