



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, July 27, 2015  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith\*; Financial Services Director, Genelle Davidson\*; Urban Planning Supervisor, Lindsey Ganczar\*; Planner, Ryan Roycroft\*; Utility Planning Manager, Andrew Reeder\*; Infrastructure Delivery Department Manager, Andrew Gibbs\*; Planner Specialist, Pat McCormick\*; Park & Building Planning Manager, Terry Barton\*; and Legislative Systems Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:31 p.m.

Mayor Basran 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

Moved By Councillor Hodge/Seconded By Councillor DeHart

R564/15/07/27 THAT the Minutes of the Regular PM Meetings of July 13, 2015 be confirmed as circulated.

Carried

### 3. Development Application Reports & Related Bylaws

#### 3.1 TA15-0006, Proposed Text Amendment to Zoning Bylaw No. 8000 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Singh

R565/15/07/27 THAT Zoning Bylaw Text Amendment No. TA15-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by amending designations to the C3 - Community Commercial zone, by adding C3r1s - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary) as outlined in Schedule "A" of the report from the Urban Planning Department dated June 26, 2015, be considered by Council;

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

Carried

#### 3.2 BL11114 (TA15-0006) - New C3r1s - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary)

Moved By Councillor Given/Seconded By Councillor Donn

R566/15/07/27 THAT Bylaw No. 11114 be read a first time.

Carried

#### 3.3 140 Mugford Road, 405 & 425 Rutland Road, Z15-0010 - RA Quality Homes Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Sieben

R567/15/07/27 THAT Rezoning Application No. Z15-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 26 Township 26 ODYD Plan 4378, located at 140 Mugford Rd, Kelowna, BC from RU1 - Large Lot Housing zone to RM2 - Low Density Row Housing zone and by changing the zoning classification of Lot 3 Section 26 Township 26 ODYD Plan 3513, located at 405 Rutland Rd, Kelowna, BC and Lot 4 Section 26 Township 26 ODYD Plan 3513, located at 425 Rutland Rd, Kelowna, BC from RU1 - Large Lot Housing zone to RM3 - Low Density Multiple Housing zone be considered by Council;

AND THAT the Rezoning Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaws be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the Rezoning Bylaws be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the Rezoning Bylaws be considered subsequent to approval of the Ministry of Transportation and Infrastructure.

Carried

3.4 140 Mugford Road, 405 & 425 Rutland Road, BL11123 - RA Quality Homes Ltd.

Moved By Councillor Given/Seconded By Councillor Gray

R568/15/07/27 THAT Bylaw No. 11123 be read a first time.

Carried

3.5 561 McKay Avenue, OCP15-0009 & Z15-0026 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.
- The long-term plan for the property will be a mixed-use development which would include a parkade.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

R569/15/07/27 THAT Official Community Plan Bylaw Amendment No. OCP15-0009 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential / Commercial) as shown on Map "A" attached dated July 2, 2015, be considered by Council;

AND THAT Rezoning Application No. Z15-0026 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone as shown on Map "B" attached dated July 2, 2015, be approved by Council;

AND THAT the Official Community Plan Amending Bylaw and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Official Community Plan Amending Bylaw and the Rezoning Bylaw be considered subsequent to the requirements of the Development Engineering Branch completed to their satisfaction.

Carried

3.6 561 McKay Avenue, BL11120 (OCP15-0009) - City of Kelowna

Moved By Councillor Donn/Seconded By Councillor Given

R570/15/07/27 THAT Bylaw No. 11120 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

3.7 561 McKay Avenue, BL11121 (Z15-0026) - City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Gray

R571/15/07/27 THAT Bylaw No. 11121 be read a first time.

Carried

3.8 2124 Pandosy Street, HRA15-0001 - F. DeVilliers Medical Prof. Corp. et al

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- To the best of staff's knowledge, there will not be any alterations to the outside of the building.

Moved By Councillor DeHart/Seconded By Councillor Singh

R572/15/07/27 THAT Council hear from the Applicants' representative regarding the owners' rationale for wanting three (3) commercial units rather than two (2) with respect to Heritage Revitalization Agreement Application No. HRA15-0001 for the property located at 2124 Pandosy Street, Kelowna, BC.

Carried

Staff:

- Clarified that there are currently five (5) strata lots, including the carriage house.
- Provided details regarding the parking requirements.

Hazel Christy, Applicants' Representative:

- Spoke to the rationale behind the owners' request for three (3) units for commercial uses rather than two (2).
- Made reference to the number of strata units being five (5), which are incorrectly identified in the draft Bylaw.
- Responded to questions from Council.
- Confirmed that there will not be any changes to the exterior and there are no changes being proposed for the interior.
- It will be up to the Strata Council to determine which units will be commercial and which units will be residential.
- Any short-term rental would be some sort of "tenancy less than 30 days".
- There is a laneway to the rear of the property.
- The parking on site exceeds the City's requirements.
- Currently the property has 5 strata units (4 apartment units and one in the carriage house) and was stratified in 2004.

## Staff:

- Responded to questions from Council.
- Provided details regarding the short-term rental scheme being requested for the site and confirmed that under today's rules, short-term rentals are not permitted.
- Provided the rationale for supporting 2 commercial units.

## City Clerk:

- Provided comment regarding procedure at the Public Hearing.
- Confirmed that the *Local Government Act* prohibits Council from amending the Bylaw with respect to the number of commercial units after the Public Hearing is closed.

## Council:

- Discussed the options and the merits of moving forward with a defeat, deferral or support of Staff's recommendation.

**Moved By Councillor Given/Seconded By Councillor Sieben**

**R573/15/07/27** THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the properties legally known as Strata Lots 1, 2, 3, 4 and 5, District Lot 14, ODYD, Strata Plan KAS3144, located at 2124 Pandosy Street, Kelowna, BC in the form attached as Schedule "A" to the Report from the Community Planning Department dated July 13, 2015;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the Heritage Revitalization Agreement be signed by the Owners prior to Public Hearing;

AND THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT, upon adoption of the Heritage Revitalization Agreement Authorization Bylaw, Heritage Revitalization Agreement Authorization Bylaw No. 9184 - HRA03-0003 - 2124 Pandosy Street, and all amendments thereto, be repealed.

**Carried**  
Councillors Singh and Stack - Opposed.

3.9 2124 Pandosy Street, BL11124 (HRA15-0001) - F. Devillier Medical Prof. Corp. et al

**Moved By Councillor Gray/Seconded By Councillor Hodge**

**R574/15/07/27** THAT Bylaw No. 11124 be read a first time.

**Carried**  
Councillors Singh and Stack - Opposed.

3.10 787 Kuipers Crescent, DP15-0135 - Emil Anderson Construction Co. Ltd. et al

## Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R575/15/07/27 THAT Council authorizes the issuance of Development Permit No. DP15-0135 for Lot 46 District Lot 1688S SDYD Plan KAP82069, located at 787 Kuipers Crescent, Kelowna, BC subject to the following:

1. The dimensions and sitting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the buildings to be constructed on the land be in general accordance with Schedule 'B';
3. The landscaping to be constructed on the land be in general accordance with Schedule 'C';
4. The applicant be required to enter into a Landscape Agreement with the City and post a Landscape Performance Security Deposit in the amount of 125% of the estimated value of the landscaping, as noted on Schedule 'C';

AND THAT Council's consideration of this Development Permit be considered subsequent to the issuance of DP15-0025 Hazardous Condition Development Permit;

AND THAT Council's consideration of this Development Permit be considered subsequent to the requirements of the Development Engineering branch completed to their satisfaction;

AND FURTHER THAT this Development Permit be valid for two (2) years from the date of Council Approval with no opportunity to extend.

Carried

3.11 310 Mugford Road, BL11122 (Z15-0017) - Harjinder, Jaswinder & Swaran Mahli

Moved By Councillor Sieben/Seconded By Councillor Singh

R576/15/07/27 THAT Bylaw No. 11122 be read a first time.

Carried

#### 4. Non-Development Reports & Related Bylaws

##### 4.1 Road Name Change Bylaw - Quail Ridge Boulevard

Staff:

- Displayed a PowerPoint presentation summarizing the rationale behind the proposed road name change.
- Made reference to editing issues in the Report to Council and confirmed that the wording in the draft Bylaw is correct.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Given

R577/15/07/27 THAT Council receives, for information, the Report from the Urban Planning dated July 27, 2015 recommending the renaming of a section of Quail Ridge Boulevard as shown on Map "A" as attached to and forming part of the Report from the Urban Planning dated July 13, 2015;

AND THAT Council gives reading consideration to Bylaw No. 11115 being "Renaming of a portion of Quail Ridge Boulevard Road Name Change Bylaw".

Carried

#### 4.2 BL11115 - Name Change Bylaw, Renaming a Portion of Quail Ridge Boulevard to Pier Mac Way

Moved By Councillor Singh/Seconded By Councillor Sieben

R578/15/07/27 THAT Bylaw no. 11115 be read a first, second and third time.

Carried

#### 4.3 Transit 2015/2016 Annual Operating Agreement

Staff:

- Provided an overview of the 2015/2016 Annual Operating Agreement between BC Transit and the City of Kelowna;

Moved By Councillor Donn/Seconded By Councillor Singh

R579/15/07/27 THAT Council approve the 2015/2016 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND THAT the Mayor and City Clerk be authorized to execute the Agreement.

Carried

#### 4.4 Water Main Replacement - Dilworth Drive, From Omineca Place to Glacier Court

Staff:

- Provided background information regarding the water main replacement.

Moved By Councillor Stack/Seconded By Councillor DeHart

R580/15/07/27 THAT Council receives, for information, the report from the Utilities Planning Manager dated July 17, 2015 regarding the Water Main Replacement - Dilworth Drive, From Omineca Place to Glacier Court;

AND THAT Council authorizes the expenditure of up to \$1,300,000 from the water utility for the purposes of replacing a failing water main on Dilworth Drive from Omineca to Glacier Court;

AND FURTHER THAT the 2015 Financial Plan be amended accordingly.

Carried

#### 4.5 Naming of the New Police Services Building

Staff:

- Provided the rationale for the name of the name of the new civic facility and responded to questions from Council.

**Moved By Councillor Hodge/Seconded By Councillor Singh**

**R581/15/07/27** THAT Council endorses "City of Kelowna Police Services" as the formal name for the new civic facility being constructed at 1190 Richter Street to house the local RCMP detachment.

**Carried****4.6 Brent's Grist Mill Stabilization Project**

Staff:

- Provided a summary of the stabilization project and responded to questions from Council.

**Moved By Councillor Hodge/Seconded By Councillor Donn**

**R582/15/07/27** THAT Council receives, for information, the Report of the Planner Specialist Urban Design, dated July 15, 2015;

AND THAT Council directs staff to undertake the stabilization of Brent's Grist Mill as set out in the report of the Planner Specialist Urban Design, dated July 15, 2015;

AND FURTHTER THAT Council approves a 2015 budget amendment in the amount of \$210,000 funded from the Reserves where funds have been held for the Brent's Grist Mill project.

**Carried****5. Bylaws for Adoption (Non-Development Related)****5.1 Quail Ridge Boulevard (Portion of Road adjacent to South of), BL11081 - Road Closure Bylaw**

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

**Moved By Councillor DeHart/Seconded By Councillor Stack**

**R583/15/07/27** THAT Bylaw No. 11081 be adopted.

**Carried****5.2 Curtis Road (Portion of Road Adjacent to GEID Flume), BL11097 - Road Closure Bylaw**

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

**Moved By Councillor Stack/Seconded By Councillor DeHart**

**R584/15/07/27** THAT Bylaw No. 11097 be adopted.

**Carried**



## 6. Mayor and Councillor Items

### Councillor Given:

- Made reference to the first class, cooperative work, of staff during the recent Emergency Operations Centre (EOC) activations for the Joe Rich fire and the Shelter Cove fire.

### Councillor Donn:

- Noted that the 'Arts on the Avenue' event will be held this Thursday from 5:00 pm - 10:00 pm on Bernard Avenue.

### Councillor Hodge:

- Made reference to the SILGA Executive Meetings he attended last week in Kamloops in preparation of the 2016 SILGA Convention in Kelowna.
- Made comment regarding his attendance, along with Councillor DeHart, at the opening night of 'Raft of the Medusa' at the Kelowna Community Theatre.

### Councillor Sieben:

- Made reference to the recent cyclist commemorative ride held in memory of a cyclist who was killed recently and encouraged drivers to pay attention to cyclists.

### Councillor DeHart:

- Made reference to her attendance on the Kelowna & District Share Society barbeque.

### Councillor Stack:

- Gave a 'shout out' to the Gospel Mission and Harmony House on their 20 years of service in the community.

### Acting City Manager:

- Made comment on the success of the Centre of Gravity event this past weekend and thanked staff, the RCMP and the event organizers.

### Mayor Basran:

- Thanked MP Ron Cannon for the recent Federal grant announcements.
- Thanked Festivals Kelowna, and Councillor Donn, for the ongoing festivities and events around Kelowna this summer.

## 7. Termination

This meeting was declared terminated at 4:05 p.m.

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Mayor

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City Clerk

/slh