

Regular Meeting – P.M.

January 18, 2010

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, January 18, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; General Manager, Community Services, John Vos*; Director, Land Use Management, Shelley Gambacort*; Urban Land Use Manager, Danielle Noble*; Subdivision Approving Officer, Ryan Smith*; Manager, Sport & Facility Programs, Don Backmeyer*; Manager, Building & Permitting, Mo Bayat*; Director, Financial Services, Keith Grayston*; Manager, Property Management, Ron Forbes*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

2. Councillor Craig was requested to check the minutes of the meeting.

Mayor Shepherd asked that Item 4.4 on the Agenda be moved forward and dealt with before the Development Application Reports in order to accommodate members of the public that would like to speak with respect to this event.

Moved by Councillor James/Seconded by Councillor Craig

R046/10/01/18 THAT Council hear from members of public with respect to the International Children's Winter Games Update.

Carried

4.4 Director, Recreation & Cultural Services, dated January 12, 2010, re: International Children's Winter Games Update

Bob Sugden, Chair, International Children's Winter Games:

- Provided an update with respect to the International Children's Winter Games.
- Confirmed that the President of the International Children's Winter Games will be in Kelowna next week to tour the different venues.
- Announced that the Games have been endorsed and supported by the Captain of the Canadian Olympic Hockey Team, Scott Niedermayer.

Michael J. Ballingall, Big White Ski Resort Ltd.:

- Provided an update to Council with respect to Big White's participation in the International Children's Winter Games.

Moved by Councillor Rule/Seconded by Councillor Hodge

R047/10/01/18 THAT Council accepts the report from the Director of Recreation & Cultural Services dated January 12, 2010, as information regarding the progress of the Organizing Committee of the International Children's Winter Games to be held in Kelowna January 27-30, 2011, as they continue with the planning and execution of "KelownaFest 2011".

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3.1 Community Sustainability Division, dated January 6, 2010, re: Rezoning Application No. Z09-0074 - Satinderpal & Rajandeep Ghuman (Axel Hilmer) - 1305 Roth Avenue

(a) Community Sustainability Division report dated January 6, 2010.

Moved by Councillor Reid/Seconded by Councillor Stack

R048/10/01/18 THAT Rezoning Application No. Z09-0074 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 15, Section 13, Township 26, ODYD, Plan KAP85143, located at Roth Avenue, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s Large Lot Housing with a secondary suite 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 suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10282 (Z09-0074) - Satinderpal & Rajandeep Ghuman (Axel Hilmer) - 1305 Roth Avenue

Moved by Councillor Craig/Seconded by Councillor James

R049/10/01/18 THAT Bylaw No. 10282 be read a first time.

Carried

3.2 Community Sustainability Division, dated January 7, 2010, re: Rezoning Application No. Z09-0075 - Cody & Andrea Klassen - 1299 Nishi Court

(a) Community Sustainability Division report dated January 7, 2010.

Moved by Councillor Craig/Seconded by Councillor James

R049/10/01/18 THAT Rezoning Application No. Z09-0075 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 24, Section 13, Township 26, ODYD, Plan KAP87484, located at Nishi Court, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs Large Lot Housing (Hillside Area) with a secondary suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10283 (Z09-0075) - Cody & Andrea Klassen - 1299 Nishi Court

Moved by Councillor Hodge/Seconded by Councillor Rule

R050/10/01/18 THAT Bylaw No. 10283 be read a first time.

Carried

3.3 Community Sustainability Division, dated January 6, 2010, re: Rezoning Application No. Z09-0072 - Ryan, Joseph & Delores Twordik (Ryan Twordik) - 1495 Kloppenburg Road

(a) Community Sustainability Division report dated January 6, 2010.

Moved by Councillor Hodge/Seconded by Councillor James

R051/10/01/18 THAT Rezoning Application No. Z09-0072 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 12, Section 13, Township 26, ODYD, Plan KAP80103, located at Kloppenburg Road, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs Large Lot Housing (Hillside Area) with a secondary suite 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 suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10284 (Z09-0072) - Ryan, Joseph & Delores Twordik (Ryan Twordik) - 1495 Kloppenburg Road

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Moved by Councillor Stack/Seconded by Councillor Reid

R052/10/01/18 THAT Bylaw No. 10284 be read a first time.

Carried

- 3.4 Community Sustainability Division, dated January 8, 2010, re: Development Permit Application No. DP07-0261 and Development Variance Permit Application No. DVP08-0212 – Wayne Holdings Ltd. (Busby Perkins & Will) – 2970-3030 Pandosy Street

Moved by Councillor James/Seconded by Councillor Rule

R053/10/01/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Development Permit Application DP07-0261 and Development Variance Permit Application No. DVP08-0212 for 2970-3030 Pandosy Street be extended from November 25, 2009 to May 25, 2010.

Carried

- 3.5 Community Sustainability Division, dated January 8, 2010, re: Rezoning Application No. Z08-0030 – Paul Warnock – 1220-1222 & 1230 Brookside Avenue

Moved by Councillor Hodge/Seconded by Councillor Stack

R054/10/01/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10105 (Z08-0030 – Paul Warnock – 1230 Brookside Avenue and 1220 – 1222 Brookside) be extended from November 25, 2009 to May 25, 2010.

Carried

- 3.6 Community Sustainability Division, dated January 8, 2010, re: Rezoning Application No. Z08-0024 – Young & Hamel Motors Ltd. (Cheviot Properties Ltd.) – 580 Harvey Avenue

Moved by Councillor Craig/Seconded by Councillor Stack

R055/10/01/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10040 (Z08-0024 – Young & Hamel Motors LTD., (INC NO 50702) – 580 Harvey Avenue) be extended from August 5, 2009 to February 5, 2010.

Carried

- 3.7 Community Sustainability Division, dated January 8, 2010, re: Rezoning Application No. Z07-0056 – 754028 BC Ltd. & Doyle Avenue Holdings Co. Ltd. (New Town Planning Services Inc.) – 1372-1374, 1378, 1382, 1386 St. Paul Street & 526 Doyle Avenue

Moved by Councillor James/Seconded by Councillor Rule

R056/10/01/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10051 (Z07-0056 – 754028 B.C. Ltd., Inc. No. BC 0754028; Doyle Avenue

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Holdings Co. Ltd., Inc. No. BC 0761637 - 1372-1374, 1378, 1382, 1386 St. Paul St.; 526 Doyle Avenue) be extended from August 19, 2009 to February 19, 2010.

Carried

- 3.8 Community Sustainability Division, dated January 8, 2010, re: Rezoning Application No. Z08-0069 - 0709128 BC Ltd. (Protech Consultants Ltd.) - 128 & 158 Penno Road

Moved by Councillor Reid/Seconded by Councillor Hodge

R057/10/01/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10095 (Z08-0069 - 0709128 BC Ltd. (Stan Pridham) - 128 & 158 Penno Road be extended from November 3, 2009 to November 3, 2010.

Carried

4. NON-DEVELOPMENT APPLICATION REPORTS

- 4.1 General Manager, Community Services, dated December 23, 2009, re: DCC Bylaw Farm Property Interpretation Policy

Staff:

- Have been advised by the Province that there is no ability to waive or not charge DCC's on a residential building whether or not it's on agricultural land or residential land.

Deputy City Clerk:

- Advised that the legislation allows for four (4) specific areas where a municipality can waive DCC's.

Moved by Councillor James/Seconded by Councillor Hodge

R058/10/01/18 THAT Council receive, for information, the Report of the General Manager, Community Services dated December 23, 2009;

AND THAT Council direct staff to consult with the BC Fruit Growers' Association, the Agricultural Advisory Committee and the Central Okanagan Economic Development Commission's Agricultural Support Officer in order to receive input with respect to proposed council Policy No. 353 - Development Cost Charge Bylaw - Farm Interpretation;

AND THAT Council direct staff to develop a chart that sets out the different DCC charges within the City of Kelowna;

AND THAT Council direct staff to consider decreasing, or waiving, DCC's on agricultural lands;

AND FURTHER THAT staff report back to Council with the requested information for Council consideration.

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Moved by Councillor James/Seconded by Councillor Reid

R059/10/01/18 THAT Council approve, on an interim basis, the following guideline, with respect to the Development Cost Charge Bylaw - Farm Property Interpretation:

- that where the existing home on agricultural land is converted to house farm help and a new home is being constructed on the property, the DCC charge will vary depending on the size of the existing home. If the existing home is under 90m² then the size is consistent with the Secondary Suite Rate and that rate will apply (currently \$2500). Otherwise a single family DCC rate will apply. As well, the farm help building will have to register a covenant with a commitment that the farm help housing will only be for that purpose.

Carried

4.2 Subdivision Approving Officer, dated January 5, 2010, re: Stratification of 545 Rosemead Avenue, Kelowna, BC - Lot 5, Plan 8221 and Lot 6, Plan 8221

Staff:

- Advised that notification to the tenants is required by the *Strata Property Act*.
- Confirmed that a copy of Council Policy No. 148 is provided to any applicant wishing to stratify a development.

Moved by Councillor Stack/Seconded by Councillor Reid

R060/10/01/18 THAT Council hear from any members of the public wishing to address Council with respect to Agenda Item Nos. 4.2 and 4.3.

Carried

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the stratification application with respect to 545 Rosemead Avenue to come forward. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Reid

R061/10/01/18 That the application to stratify the ten unit residential building at 545 Rosemead Avenue be approved in the name of Rosehip Enterprises Ltd with the following conditions:

- a) Consolidate the two existing lots (Lot 5 & 6 Plan 8221);
- b) Dedicate an additional highway allowance widening of 0.76m for the frontage of Rosemead Avenue;
- c) Provide a 6.0m radius property corner rounding at the Rosemead Ave, Chapman Place road intersection.

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- 4.3 Subdivision Approving Officer, dated January 5, 2010, re: Stratification of 335-345 Highway 33 East, Kelowna, BC – Lot 1, Plan 68584

Staff:

- Confirmed that each of the tenants have been notified and are in agreement with the proposed stratification.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the stratification application with respect 335-345 Highway 33 East to come forward. No one came forward.

Moved by Councillor Rule/Seconded by Councillor James

R062/10/01/18 That the application to stratify the eight residential units located in three buildings at 335-345 Highway 33 East be approved in the name of Kelowna Habitat for Humanity Society Inc with the following conditions:

- a) The applicant be required to remove the existing curb drops along Hwy.33 and replace with new barrier curb and sidewalk.

Carried

- 4.4 Director, Recreation & Cultural Services, dated January 12, 2010, re: International Children’s Winter Games Update

This Agenda item was moved forward and dealt with before the Development Applications Reports.

- 4.5 Director, Real Estate & Building Services, dated January 13, 2010, re: Licence of Occupation – Mission Greenway

Moved by Councillor Hobson/Seconded by Councillor Reid

R063/10/01/18 THAT Council approve the City entering into a renewal of a Licence of Occupation in the form attached to the Report of the Director of Real Estate & Building Services, dated July 8, 2008, between the City of Kelowna and the Province of British Columbia for that part of the Northwest ¼ of Section 6, Township 26, Osoyoos Division Yale District, otherwise known as the Mission Creek Greenway, for a term of ten (10) years from July 8, 2008 to July 7, 2018;

AND THAT the Mayor and City Clerk be authorized to execute the attached License of Occupation agreement.

Carried

5. MAYOR & COUNCILLOR ITEMS

- 5.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged the Okanagan Institute as the latest recipient of the “Spirit of Kelowna” Acknowledgment.

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Councillor Stack:

- Provided an update with respect to the South Pandosy Business Improvement Area.
- The group has advised that they have a number of new people on board and want to proceed with the establishment of the business improvement area this year.

Deputy City Clerk:

- Advised that a staff report has been prepared and can be scheduled to the January 25th Council Meeting with respect to the establishment of the South Pandosy Business Improvement Area.

Councillor Hodge:

- Advised that the next Wendy's DreamLift Day has been scheduled for Wednesday, January 27, 2010.

Mayor Shepherd:

- Advised that Councillor Blanleil is no longer able to commit to being the Economic Development Commission's Council liaison and asked that Council consider appointing a new liaison before February 1, 2010.

6. TERMINATION

The meeting was declared terminated at 3:23 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk