

Regular Meeting – P.M.

September 19, 2011

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 19<sup>th</sup>, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Robert Hobson\*, Charlie Hodge, Graeme James, Angela Reid-Nagy, Michele Rule and Luke Stack.

Council members absent: Councillor Kevin Craig.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos\*; Director, Land Use Management, Shelley Gambacort\*; Fire Chief, Jeff Carlisle\*; Planner, Luke Turri\*; Deputy Fire Chief, Jason Brolund\*; Manager, Road, Drainage & Solid Waste Projects, Purvez Irani\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:32 p.m.

Mayor Shepherd 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. Councillor Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Alex Burnham, Miss Kelowna Lady of the Lake 2011-2012, and Erin Van Zyderveld, Kelowna Princess 2011-2012, re: Introduction to Kelowna City Council

Alex Burnham, Miss Kelowna Lady of the Lake 2011-2012 and Erin Van Zyderveld, Kelowna Princess 2011-2012:

- Introduced themselves to Council.
- Presented Mayor Shepherd with a photo of 2011-2012 Kelowna Lady of the Lake and Princess.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R920/11/09/19** THAT Council receives, for information, the presentation from the Miss Kelowna Lady of the Lake and Princess 2011-2012 dated September 19, 2011.

Carried

3.2 Murray Tekano, District Manager, Transportation - Okanagan Shuswap District, Ministry of Transportation & Infrastructure, re: High Occupancy Vehicle (HOV) Lane and Bus Rapid Transit (BRT)

Murray Tekano, District Manager, Transportation - Okanagan Shuswap District, Ministry of Transportation & Infrastructure:

- Gave a presentation to with respect Kelowna's High Occupancy Vehicle Lanes.

Moved by Councillor Reid-Nagy/Seconded by Councillor Rule

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**R921/11/09/19** THAT Council receives, for information, the presentation from the Ministry of Transportation & Infrastructure dated September 19, 2011 with respect to the City of Kelowna's High Occupancy Vehicle Lane ("HOV Lane") and Bas Rapid Transit ("BRT");

AND THAT Council supports the concept of having "Time of Day" restrictions placed on the HOV Lane;

AND THAT Council supports adding signage to the HOV Lane which indicates that the main purpose of the lane is for transit;

AND FURTHER THAT Council directs staff to report back to Council with the following information:

- a) comments from the emergency vehicle operators (Kelowna Fire Department and BC Ambulance Service) with respect to the HOV Lane;
- b) comments and statistics from the RCMP with respect to enforcement of the HOV Lane; and
- c) comments from BC Transit with respect to the efficiency of the HOV Lane as it relates to the transit schedule.

Carried  
Councillor James - Opposed.

Mayor Shepherd advised the representative for the Ministry of Transportation & Infrastructure that Highway 97 and Highway 33 intersection safety is a high priority for the City of Kelowna.

#### 4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated September 8, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0005 and Rezoning Application No. Z11-0047 - 0911176 BC Ltd. (Architecturally Distinct Solutions) - 1170 Brant Avenue

- (a) Land Use Management Department report dated September 8, 2011.

Moved by Councillor Hodge/Seconded by Councillor Reid-Nagy

**R922/11/09/19** THAT Official Community Plan Bylaw Amendment Application No. OCP11-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 3, Section 30, Township 24, ODYD, Plan 10537, located on 1170 Brant Avenue, Kelowna, BC from the S2RES - Single/Two Unit Residential designation and PARK - Major Park & Open Space, to the MRL - Multiple Unit Residential (low density) and PARK - Major Park & Open Space designation, as shown on Map "A" attached to the report of Land Use Management Department dated September 8, 2011, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public 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 August 18, 2011;

AND THAT Rezoning Application No. Z11-0047 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 30, Township 24, ODYD, Plan 10537, located on 1170 Brant Avenue, Kelowna, BC, from the RU1 - Large Lot Housing zone and to the RM3 - Low Density Multiple

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Housing and P3 – Parks and Open Space zones, as shown on Map “B” attached to the report of the Land Use Management Department, dated September 8, 2011, be considered by Council;

AND THAT Council forward Bylaw No. 10601 authorizing a Housing Agreement between the City of Kelowna and 0911176 BC Ltd., which requires the owners to designate 4 dwelling units for owner occupied affordable housing on Lot 3, Section 30, Township 24, ODYD, Plan 10537, located at 1170 Brant Avenue, Kelowna, B.C., for reading consideration.

AND THAT the Official Community Plan Bylaw Amendment Application No. OCP11-0005, and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Official Community Plan Bylaw Amendment Application No. OCP11-0005 and zone amending bylaw be considered in conjunction with Council’s consideration of a Development Permit on the subject property;

AND THAT final adoption of Official Community Plan Bylaw Amendment Application No. OCP11-0005 and zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the Official Community Plan Bylaw Amendment Application No. OCP11-0005 and zone amending bylaw be considered subsequent to the registration of a Section 219 restrictive covenant on the title of the subject property restricting the number of dwellings on the parcel to no more than 18 units.

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10604 (OCP11-0005) - 0911176 BC Ltd. (Architecturally Distinct Solutions) - 1170 Brant Avenue - Requires a majority of all Members of Council (5)

Moved by Councillor Stack/Seconded by Councillor Hobson

R923/11/09/19 THAT Bylaw No. 10604 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

- (ii) Bylaw No. 10605 (Z11-0047) - 0911176 BC Ltd. (Architecturally Distinct Solutions) - 1170 Brant Avenue

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Moved by Councillor Hobson/Seconded by Councillor Stack

R924/11/09/19 THAT Bylaw No. 10605 be read a first time.

Carried

(c) BYLAW PRESENTED FOR FIRST THREE READINGS

Bylaw No. 10601 - Housing Agreement Authorization Bylaw -  
0911176 BC Ltd. - 1170 Brant Avenue

Moved by Councillor Stack/Seconded by Councillor Hobson

R925/11/09/19 THAT Bylaw No. 10601 be read a first, second and third time.

Carried

4.2 Land Use Management Department, dated September 2, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP09-0017 and Rezoning Application No. Z09-0079 - Natisa Development Corp. (City of Kelowna) - 3441, 3451, 3461 & 3471 Lakeshore Road

(a) Land Use Management Department report dated September 2, 2011.

Moved by Councillor James/Seconded by Councillor Stack

R926/11/09/19 THAT Development Permit No. DP09-0160 and Development Variance Permit No. DP09-0161 for Lot 3, District Lot 134, ODYD, Plan 38150; Lot 39, District Lot 134, ODYD, Plan 3886 except Plan KAP76671; Lot 38, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 37, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 36, District Lot 134, ODYD, Plan 3886; located at 3441, 3451, 3461 & 3471 Lakeshore Road, Kelowna, BC be rescinded by Council;

AND THAT Official Community Plan Bylaw Amendment Application No. OCP09-0017 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC from the Mixed-Use (Residential/Commercial) designation to the Single/Two Unit Residential designation as shown on Map "A" attached to the report of Land Use Management Department, dated September 2, 2011, be considered by Council;

AND THAT Rezoning Application No. Z09-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC, from the C9 - Tourist Commercial zone to the RU6 - Two Dwelling Housing zone, be considered by Council;

AND FURTHER THAT the Official Community Plan Bylaw Amendment Application No. OCP09-0017 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

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- (i) Bylaw No. 10606 (OCP09-0017) - Natisa Development Corporation (City of Kelowna) - 3471 Lakeshore Road - Requires a majority of all members of Council (5)

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

**R927/11/09/19** THAT Bylaw No. 10606 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

- (ii) Bylaw No. 10607 (Z09-0079) - Natisa Development Corporation (City of Kelowna) - 3471 Lakeshore Road

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

**R928/11/09/19** THAT Bylaw No. 10607 be read a first time.

Carried

- 4.3 Land Use Management Department, dated September 9, 2011, re: Text Amendment Application No. TA11-0009 and Official Community Plan Bylaw Amendment Application No. OCP11-0006 - Text Amendment to Zoning Bylaw related to Downtown Plan Charrette

- (a) Land Use Management Department report dated September 9, 2011.

Staff:

- Gave a presentation with respect to the proposed C7 Zone Amendments as a result of the Downtown Plan Charrette.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R929/11/09/19** THAT Text Amendment No. TA11-0009 to amend City of Kelowna Zoning Bylaw No. 8000, by amending the C7 - Central Business Commercial zone to reflect the recommendations of the Downtown Plan Charrette, as outlined in "Schedule A" and "Diagram B" of the report of the Land Use Management Department dated September 9, 2011 be considered by Council;

AND THAT Bylaw No. 10568 be amended at first reading, to include policy wording on sightline angles for high-rise development and consideration for mid-rise development, as outlined in the report of the Land Use Management Department dated September 9, 2011;

AND FURTHER THAT the bylaw be forwarded to a Public Hearing in conjunction with OCP11-0006.

Carried

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Bylaw No. 10568 (OCP11-0006) - City of Kelowna - Official Community Plan Bylaw No. 10500 - Text Amendment - Amendments to Chapter 5 - Development Process - **Requires a majority of all members of Council (5)**

Moved by Councillor James/Seconded by Councillor Hodge

**R930/11/09/19** THAT Bylaw No. 10568 be amended at first reading by adding to Chapter 5 - Development Process, Objective 5.5 Ensure appropriate and context sensitive built form, Policy .1 the following:

“In addition, where a height variance is required, adequate view corridors shall be provided between towers. For blocks a minimum of 100m in width, any portion of a building above 44.0m should be sited to afford existing surrounding tower development on the same block a 40 degree panoramic view, measured from the closest building face parallel to the lot line fronting a street.”

After the sentence,

“For all properties where height variances are required, a minimum separation distance of 36.5m (120 ft.) will be sought between adjacent towers where there are floor plates larger than 697 sq.m (7,500 sq.ft.) and a minimum separation distance of 30.5m (100 ft) will be sought between towers where floor plates are less than 697 sq. m. (7500 sq. ft.).

Carried**(c) BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10594 (TA11-0009) - City of Kelowna - Downtown Plan Charrette

Moved by Councillor Hodge/Seconded by Councillor James

**R931/11/09/19** THAT Bylaw No. 10594 be read a first time.

Carried**4.4 (a) BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 10257 (Z09-0023) - Bhupinder and Raj Dhanwant (Bob Dhanwant) - 410 Hartman Road

Moved by Councillor James/Seconded by Councillor Hodge

**R932/11/09/19** THAT Bylaw No. 10257 be adopted.

Carried

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- (b) Land Use Management Department, Supplemental Report dated September 9, 2011, re: Development Permit Application No. DP09-0035 - Bhupinder and Raj Dhanwant (Bob Dhanwant) - 410 Hartman Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R933/11/09/19** THAT Council receives for information the Supplemental Report of the Community Sustainability Division dated September 9, 2011 with respect to the information requested from Staff for DP09-0035;

AND THAT Final Adoption of Zone Amending Bylaw No. 10257 be considered by Council;

AND THAT Council authorize the issuance of the Development Permit No. DP09-0035 for Lot B, Section 26, Township 26, ODYD Plan KAP46388, located on Hartman 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";
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 conditions within 180 days of Council approval of the Development Permit Application, in order for the permit to be issued.

Carried

- 4.5 Land Use Management Department, dated September 8, 2011, re: Rezoning Application No. Z08-0030 - Paul Warnock - 1220-1222 & 1230 Brookside Avenue

Moved by Councillor Rule/Seconded by Councillor Stack

**R934/11/09/19** THAT in accordance with Development Application Procedures Bylaw No. 10540 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 May 25, 2011 to November 25, 2011.

Carried

- 4.6 Land Use Management Department, dated September 8, 2011, re: Rezoning Application No. Z10-0036 - Jeffrey Kohn (RC Alliance Ltd.) - 4224 Hobson Road

Councillor Hobson declared a conflict of interest as he lives within the notification area for the subject property and left the meeting at 3:25 p.m.

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Moved by Councillor Stack/Seconded by Councillor James

**R935/11/09/19** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10354 (Z10-0036 - Lot 1 District Lot 167 ODYD Plan 30147, located at 4224 Hobson Rd), be extended from June 29, 2011 to December 29, 2011.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

Councillor Hobson rejoined the meeting at 3:26 p.m.

- 5.1 Bylaw No. 10371 (Z10-0035) - Larry Deboice (New Town Architectural Services) - 340 Francis Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

**R936/11/09/19** THAT Bylaw No. 10371 be adopted.

Carried

- 5.2 Bylaw No. 10469 (Z10-0070) - Neil and Chantal Staerkle - 42-760 Highpointe Drive

Moved by Councillor Rule/Seconded by Councillor Hodge

**R937/11/09/19** THAT Bylaw No. 10469 be adopted.

Carried

- 5.3 Bylaw No. 10567 (Z11-0031) - Layton and Myrna Park (Layton Park) - 719 Hazell Road

Moved by Councillor Rule/Seconded by Councillor Hodge

**R938/11/09/19** THAT Bylaw No. 10567 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Fire Chief, dated September 14, 2011, re: Regional District of Okanagan Similkameen Fire Dispatch Agreement

Moved by Councillor Hobson/Seconded by Councillor Hodge

**R939/11/09/19** THAT Council authorizes the City to enter into a five (5) year Agreement with the Regional District of Okanagan Similkameen (RDOS) for the provision of fire dispatch services in the form attached to the Report of the Fire Chief dated September 14, 2011;

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

AND FURTHER THAT Council approves a 2011 Financial Plan amendment for the hiring of 2 Relief Dispatch positions to start on approximately November 15,



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2011 at a 2011 cost of \$16,558 with funding from revenue to be received from the Regional District of Okanagan Similkameen as per the Agreement.

Carried

Mayor Shepherd advised that as staff was not present, she would move Agenda Item No. 7 forward on the Agenda and deal with it immediately.

7. MAYOR & COUNCILLOR ITEMS

7.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged RCMP Constable Denise Bendfeld as the latest recipient of the "Spirit of Kelowna" Acknowledgement for all the good, volunteer, work she does with the Royal Canadian Army Cadets, in addition to her role as a RCMP Officer dealing with child abuse.

7.2 COUNCILLOR ITEMS

Councillor Hodge:

- Advised that he anticipates upcoming reports to Council from the Regional District's Dog Committee as well as the Women's and Community Advisory Committee.

Councillor Reid-Nagy:

- Reminded the public that September 25<sup>th</sup> is Car Free Day.

7.3 Councillor Stack, re: Public Hearings and Resident Associations

Councillor Stack:

- Advised that he has been approached by the Glenmore Residents Association regarding Public Hearings and the time allotment given to Resident Associations. It was suggested the Resident Associations being given ten (10) minutes to speak at Public Hearings rather than five (5).

City Clerk:

- Will report back to Council regarding the process for amending the procedures at Public Hearings to increase the time limit for presentations by Resident Associations to a maximum of ten (10) minutes.

6. NON-DEVELOPMENT REPORTS

6.2 Manager, Roads, Drainage & Solid Waste Projects, dated September 14, 2011, re: Hereron Bridge Replacement Tender Award

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Moved by Councillor Blanleil/Seconded by Councillor James

**R940/11/09/19** THAT Council approves an amendment to the 2011 Financial Plan to reflect the additional expenditure of \$220,000 (including Contingency) available from current capital projects (Moyer Road Drainage, Rails with Trails Phase 2, 2011 Road Resurfacing Program) and from the Major Bridge Maintenance Reserve.

Carried

7. MAYOR & COUNCILLOR ITEMS

7.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

This Agenda item was moved forward and dealt with after Agenda Item 6.1.

The City Clerk advised that there will be a Candidate Information Meeting at 6:00 pm on September 21, 2011 in the Council Chamber. Anyone interested in attending is welcome.

8. TERMINATION

The meeting was declared terminated at 3:52 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk