

Regular Meeting – P.M.

October 24, 2011

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Knox Mountain Meeting Room, 1435 Water Street, Kelowna, B.C., on Monday, October 24th, 2011.

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

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Director, Policy & Planning, Signe Bagh*; Director, Corporate Services, Rob Mayne*; Manager, Transportation & Mobility, Peter Truch; 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.

Mayor Shepherd advised that this 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.

2. Councillor James is requested to check the minutes of the meeting.

2.1 Mayor Shepherd, re: Occupy Kelowna

Mayor Shepherd read out the following statement:

“I recognise there are some people in the gallery form the protest at Kerry Park. City Council continues to respect your right to peacefully protest between 6:00 a.m. and 11:00 p.m. We would also like to acknowledge the cooperative relationship and daily communications between protesters and City staff.”

Mayor Shepherd also offered to meet with the protesters, either individually or as a group, during regular business hours.

3. DEVELOPMENT APPLICATION REPORTS

3.1 Land Use Management Department, Supplemental Report dated October 14, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP10-0008, Text Amendment Application No. TA10-0007 and Rezoning Application No. Z10-0040 - John & Alana Marrington and John Balla (Site 360 Consulting Inc.) - 2149, 2159, 2169, 2179 and 2189 Pandosy Street

(a) Land Use Management Department supplemental report dated October 14, 2011.

Staff:

- Confirmed that the original recommendation of the Land Use Management Department was for non-support of the application.

Moved by Councillor Craig/Seconded by Councillor Hodge

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R1036/11/10/24 THAT Council receive the Supplemental Report from the Land Use Management Department dated October 14th, 2011 for information;

AND THAT Council forward a Bylaw authorizing Housing Agreement Bylaw No. 10624 between the City of Kelowna and John & Alana Marrington & John Balla which requires the owner(s) to designate 3 short term rental units dedicated to hospital and cancer patients at a rate equivalent to the Southern Interior Cancer Centre as established by the Ministry of Health Services on Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, ODYD, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. for reading consideration;

AND FURTHER THAT the Public Hearing with respect to Official Community Plan Bylaw Amendment Application No. OCP10-0008, Text Amendment Application No. TA10-0007 and Rezoning Application No. Z10-0040 be scheduled to January 10, 2012.

Carried
Councillors Hobson and Stack - Opposed.

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

- (i) Bylaw No. 10440 (OCP10-0008) - John & Alan Marrington and John Balla (Site 360 Consulting Inc.) - 2149, 2159, 2169, 2179 and 2189 Pandosy Street - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hodge/Seconded by Councillor Rule

R1037/11/10/24 THAT Bylaw No. 10440 be read a first time;

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

Carried
Councillors Hobson and Stack - Opposed.

- (ii) Bylaw No. 10423 (TA10-0007) - New HD2 - Hospital and Health Services Zone, City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Rule/Seconded by Councillor Hodge

R1038/11/10/24 THAT Bylaw No. 10423 be read a first time.

Carried
Councillors Hobson and Stack - Opposed.

- (iii) Bylaw No. 10439 (Z10-0040) - John & Alan Marrington and John Balla (Site 360 Consulting Inc.) - 2149, 2159, 2169, 2179 and 2189 Pandosy Street

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Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R1039/11/10/24 THAT Bylaw No. 10439 be read a first time.

Carried
Councillors Hobson and Stack - Opposed.

(c) BYLAWS PRESENTED FOR FIRST THREE READINGS

- (i) Bylaw No. 10424 - Amendment No. 19 to Sign Bylaw No. 8235

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R1040/11/10/24 THAT Bylaw No. 10424 be read a first, second and third time.

Carried

- (ii) Bylaw No. 10624 - Housing Agreement Authorization Bylaw - John & Alana Marrington and John Balla - 2149, 2159, 2169, 2179 and 2189 Pandosy Street

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R1041/11/10/24 THAT Bylaw No. 10624 be read a first, second and third time.

Carried

3.2 Land Use Management Department, dated October 14, 2011 re: Official Community Plan Bylaw Amendment Application No. OCP11-0015 - Trustees of the Congregation of St. Paul's United Church (Rob Couch) - 3131 Lakeshore Road

- (a) Land Use Management Department report dated October 14, 2011.

Moved by Councillor Stack/Seconded by Councillor Hobson

R1042/11/10/24 THAT OCP Bylaw Text Amendment No. OCP11-0015 to amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 by deleting the Temporary Use Permit Area table 4.3 in Chapter 4 - Temporary Use Permits and replacing it with a new table as per Table "A" attached to the report of Land Use Management Department, dated October 14, 2011 be considered by Council;

AND THAT Council considers the APC 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 October 14, 2011;

AND THAT the OCP Bylaw Amendment No. OCP11-0015 be forwarded to a Public Hearing for further consideration;

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AND FURTHER THAT final adoption of the OCP Amendment be considered in conjunction with Council's consideration of a Temporary Use Permit on the subject property.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10625 (OCP11-0015) - Trustees of the Congregation of St. Paul's United Church (Rob Couch) - 3131 Lakeshore Road - Temporary Use Permit (TUP11-0001)

Moved by Councillor James/Seconded by Councillor Craig

R1043/11/10/24 THAT Bylaw No. 10625 be read a first time;

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

Carried

3.3 Land Use Management Department, dated October 14, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0012 and Rezoning Application No. Z11-0027 - David and Joan Richter (IHS Designs) - 964-968 Borden Avenue

(a) Land Use Management Department report dated October 14, 2011.

Moved by Councillor James/Seconded by Councillor Hobson

R1044/11/10/24 THAT OCP Bylaw Amendment No. OCP11-0012 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, District Lot 138, ODYD, Plan 3182, located at 964-968 Borden Avenue, Kelowna, BC from the Single/Two-Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Land Use Management Department dated October 14, 2011, be considered by Council;

AND THAT Council considers the APC 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 October 14, 2011;

AND THAT Rezoning Application No. Z11-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD, Plan 3182, located at 964-968 Borden Avenue, Kelowna, BC, Kelowna BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT OCP Bylaw Amendment Application No. OCP11-0002 and Rezoning Application No. Z11-0027 be forwarded to a Public Hearing;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property;

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption be considered subject to a Building Permit application being made for the legalization of the existing dwelling units.

Carried

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

- (i) Bylaw No. 10626 (OCP11-0012) - David and Joan Richter (IHS Designs) - 964-968 Borden Avenue - Requires a majority all Members of Council (5)

Moved by Councillor Craig/Seconded by Councillor James

R1045/11/10/24 THAT Bylaw No. 10626 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. 10627 (Z11-0027) - David and Joan Richter (IHS Designs) - 964-968 Borden Avenue

Moved by Councillor James/Seconded by Councillor Craig

R1046/11/10/24 THAT Bylaw No. 10627 be read a first time.

Carried

3.4 Manager, Long Range Planning, dated October 19, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0016 - City of Kelowna - Official Community Plan 2030 Bylaw No. 10500 - Housekeeping Amendments

- (a) Manager, Long Range Planning report dated October 19, 2011.

Staff:

- Advised that the Bylaw will be forwarded to the Agricultural Land Commission for comment and that once the Commission's comments have been received, the Public Hearing date can be set.

Moved by Councillor Stack/Seconded by Councillor Hobson

R1047/11/10/24 THAT Council receives, for information, the Report from the Long Range Planning Manager dated October 19, 2011 with respect to Council directed and staff initiated housekeeping amendments to OCP 2030 Bylaw 10500;

AND THAT Council gives first reading consideration to OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan;

AND THAT after first reading, Council directs staff to forward OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 -

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Official Community Plan to the Agricultural Land Commission for comments as per Section 882(3)(c) of the *Local Government Act*;

AND FURTHER THAT Council forwards OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 to Public Hearing.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10621 (OCP11-0016) - City of Kelowna - Amendments to Chapter 5 - Development Process

Moved by Councillor Rule/Seconded by Councillor Hodge

R1048/11/10/24 THAT Bylaw No. 10621 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

4. NON-DEVELOPMENT APPLICATION REPORTS

4.1 Manager, Transportation & Mobility, dated October 17, 2011, re: Lakeshore 3 & Lakeshore Bridge Preliminary Engineering Engagement Plan

Moved by Councillor Rule/Seconded by Councillor Hobson

R1049/11/10/24 THAT Council receives, for information, the report from the Manager, Transportation & Mobility dated October 17, 2011, with respect to Lakeshore 3 & Lakeshore Bridge Preliminary Engineering Engagement Plan.

AND THAT Council endorses the Engagement Plan outlined in the Report of the Manager, Transportation & Mobility dated October 17, 2011.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

5.1 Bylaw No. 10620 - 2012 Tax Exemption Bylaw - Requires a 2/3 majority of Council

Councillor Craig declared a conflict of interest as he is a member of the Board of Directors of one of the organizations and left the meeting at 2:59 p.m.

Councillor Stack declared a conflict of interest as he is a member of the Board of Directors of one of the organizations and left the meeting at 2:59 p.m.

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Moved by Councillor Hodge/Seconded by Councillor Rule

R1050/11/10/24 THAT Bylaw No. 10620 be adopted.

Carried

Councillors Craig and Stack rejoined the meeting at 3:00 p.m.

6. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Jennifer Monaghan of the First Lutheran Christian School as the latest recipient of the "Spirit of Kelowna" Acknowledgement for organizing the 15th Annual Apple Pie event to raise funds for the First Lutheran Christian School's playground and sports field upgrades and classroom technology.

6.2 COUNCILLOR ITEMS

6.2(a) Councillor Hobson, re: Declaration of Agreement

Councillor Hobson:

- Advised that he has made an application to the City to subdivide his property located at 4365 Hobson Road. One of the conditions of the subdivision is that he enter into an agreement with the City to provide sanitary sewer services.

7. TERMINATION

The meeting was declared terminated at 3:03 p.m.

Certified Correct:

Mayor

SLH/dd

City Clerk