

Regular Meeting – P.M.

February 6, 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, February 6<sup>th</sup>, 2012.

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

Council member absent: Mayor Walter Gray.

Staff members in attendance were: City Manager, Ron Mattiussi\*; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble\*; Director, Civic Operations, Joe Creron\*; Solid Waste Supervisor, Gordon Light\*; Manager, Cultural Services, Sandra Kochan\*; Director, Recreation & Cultural Services, Jim Gabriel\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

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

Deputy Mayor Stack 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 Singh was requested to check the minutes of the meeting.

3. DEVELOPMENT APPLICATION REPORTS

- 3.1 Land Use Management Department, dated January 27, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0018 and Rezoning Application No. Z11-0090 – JB Developments Ltd. – 373 – 375 Fizet Avenue – Mayor to invite the Applicant, or Applicant’s Representative, to come forward.

Deputy Mayor Stack invited the Applicant, or the Applicant’s Representative, to come forward:

Shawn and Leanne Misfeldt, JB Developments Ltd., 3379 Merlot Way, West Kelowna, BC, Applicant’s Representatives

- Advised that they purchased the property approximately 7 years ago and were told by the seller that the kitchens in the basement suites were legal.
- Believes that the complaint to the City was made by a former tenant who was evicted through the Residential Tenancy Branch process.
- Advised that there is dedicated parking for all four (4) units and that all of the units have dedicated entrances.
- Clarified that the realtor told them that the bottom units were not legal suites, but that the kitchens were legal and could not be removed.
- Advised that they have not spoken with the adjoining property owners regarding the requested change in land use and zoning.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R119/12/02/06** THAT OCP Bylaw Amendment No. OCP 11-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 – 375 Fizet Avenue, Kelowna, BC from the Single/Two-Unit Residential designation to the Multiple Unit Residential (Low

Regular Meeting – P.M.

February 6, 2012

Density) designation, as shown on Map “A” attached to the report of Land Use Management Department dated January 27, 2012, be considered by Council;

AND THAT Rezoning Application No. Z11-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizet 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 the applicant be required to hold a public information meeting, prior to the bylaws receiving first reading, in accordance with the *Local Government Act* and the City of Kelowna’s Development Application Procedures Bylaw No. 10540;

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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Black Mountain Irrigation being completed to their satisfaction.

Carried

3.2 Land Use Management Department, dated January 25, 2012, re: Rezoning Application No. Z12-0002 - Lesley Anne Grant (Shane H. Baxter) - 4325 Gordon Drive

(a) Land Use Management Department report dated January 25, 2012.

Moved by Councillor Hobson/Seconded by Councillor Basran

**R120/12/02/06** THAT Rezoning Application No. Z12-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 358, ODYD Plan 39542, located on Gordon Drive, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

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

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

Carried

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

Bylaw No. 10656 (Z12-0002) - Lesley Anne Grant (Shane Baxter) - 4325 Gordon Drive

Regular Meeting – P.M.

February 6, 2012

Moved by Councillor Given/Seconded by Councillor Zimmermann

R121/12/02/06 THAT Bylaw No. 10656 be read a first time.

Carried

3.3 Land Use Management Department, dated January 23, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP06-0010 and Rezoning Application No. Z06-0033 - Rutland Seventh Day Adventist Church - 1215 Highway 33 West

(a) Land Use Management Department report dated January 23, 2012.

Moved by Councillor Zimmermann/Seconded by Councillor Given

R122/12/02/06 THAT Council receives, for information, the report from the Land Use Management Department, dated January 11, 2012 with respect to Application Nos. OCP06-0010 and Z06-0033, for Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705, located on 1215 Highway 33, Kelowna, BC;

AND THAT Bylaw Nos. 9928 and Bylaw No. 9929 be forwarded for rescindment consideration and the file be closed.

Carried

(b) BYLAWS PRESENTED FOR RESCINDMENT CONSIDERATION

(i) Bylaw No. 9928 (OCP06-0010) - Seventh Day Adventist Church - 1215 Highway 33 West - Requires a majority of all Members of Council (5)

Moved by Councillor Given/Seconded by Councillor Zimmermann

R123/12/02/06 THAT first, second and third reading of Bylaw No. 9928 be rescinded;

AND THAT the file for OCP Application No. OCP06-0010, for the properties located at 1215 highway 33 West be closed.

Carried

(ii) Bylaw No. 9929 (Z06-0033) - Seventh Day Adventist Church - 1215 Highway 33 West

Moved by Councillor Zimmermann/Seconded by Councillor Given

R124/12/02/06 THAT first, second and third reading of Bylaw No. 9929 be rescinded;

AND THAT the file for Rezoning Application No. Z06-0033, for the properties located at 1215 Highway 33 West be closed.

Carried

Regular Meeting – P.M.

February 6, 2012

3.4 Land Use Management Department, dated January 24, 2012, re: Rezoning Application No. Z10-0043 – Simon Wiencki – 2839 Helmcken Road

(a) Land Use Management Department report dated January 24, 2012.

Moved by Councillor Hobson/Seconded by Councillor Singh

**R125/12/02/06** THAT Council receives, for information, the report from the Land Use Management Department, dated November 10, 2011 with respect to Rezoning Application Bylaw 10370, Lot 13, District Lot 135, ODYD Plan 17194, located at 2839 Helmcken Road, Kelowna, BC;

AND THAT Bylaw No. 10370 be forwarded for rescindment consideration.

Carried

(b) **BYLAW PRESENTED FOR RESCINDMENT CONSIDERATION**

Bylaw No. 10370 (Z10-0043) – Simon Wiencki – 2839 Helmcken Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

**R126/12/02/06** THAT first, second and third reading of Bylaw No. 10370 be rescinded;

AND THAT the file for Rezoning Application No. Z10-0043, for the properties located at 2839 Helmcken Road be closed.

Carried

3.5 Land Use Management Department, dated January 27, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0010 and Rezoning Application No. Z11-0037 – City of Kelowna – 1595 Glenmore Road North (portion of)

(a) Land Use Management Department report dated January 27, 2012.

Moved by Councillor Hobson/Seconded by Councillor Basran

**R127/12/02/06** THAT Council waives the requirement for a Development Permit to be considered in conjunction with Final Adoption of Zone Amending Bylaw No. 10586;

AND THAT Final Adoption of Official Community Plan Amendment Bylaw No. 10585 and Zone Amending Bylaw No. 10586 be considered by Council.

Carried

(b) **BYLAWS PRESENTED FOR ADOPTION**

(i) Bylaw No. 10585 (OCP11-0010) – City of Kelowna – 1595 Glenmore Road North – Requires a majority of all Members of Council (5)

Moved by Councillor Basran/Seconded by Councillor Blanleil

Regular Meeting - P.M.

February 6, 2012

R128/12/02/06 THAT Bylaw No. 10585 be adopted.

Carried

- (ii) Bylaw No. 10586 (Z11-0037) - City of Kelowna - 1595 Glenmore Road North

Moved by Councillor Zimmermann/Seconded by Councillor Given

R129/12/02/06 THAT Bylaw No. 10586 be adopted.

Carried

- 3.6 Land Use Management Department, dated January 12, 2012, re: Rezoning Application No. Z09-0077 - Rex Jardine (Jardine Investments Inc.) - 4064 Lakeshore Road

Moved by Councillor Singh/Seconded by Councillor DeHart

R130/12/02/06 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10306 (Z09-0077), for Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD Plan KAP89719, located at 4064 Lakeshore Road, Kelowna, BC be extended from June 15, 2011 to December 15, 2011;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10306 (Z09-0077), for Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD Plan KAP89719, located at 4064 Lakeshore Road, Kelowna, BC be extended from December 15, 2011 to June 15, 2012.

Carried

#### 4. NON-DEVELOPMENT APPLICATION REPORTS

- 4.1 Biosolids Supervisor, dated January 23, 2012, re: Compost Pricing Increase

Moved by Councillor Singh/Seconded by Councillor Basran

R131/12/02/06 THAT Council, receives, for information, the Report from the Biosolids Supervisor dated January 23, 2012;

AND THAT Council approves the recommended 10% increase in compost fees;

AND FURTHER THAT Bylaw No. 10648 being Amendment No. 5 to the Solid Waste Regulation Bylaw No. 10106 be forwarded for reading consideration.

Carried

- 4.2 Manager, Cultural Services, dated February 1, 2012, re: 2012 Arts, Cultural & Heritage Operating & Project Grants

Regular Meeting – P.M.

February 6, 2012

Moved by Councillor Hobson/Seconded by Councillor Singh

**R132/12/02/06** THAT Council receives, for information, the list of 2012 recipients for Arts, Culture & Heritage Operating Grants and Arts, Culture & Heritage Project Grants as outlined in the report dated February 1, 2012, from the Cultural Services Manager.

Carried

4.3 Manager, Cultural Services, dated February 1, 2012, re: 2012 Professional Arts Grants

Moved by Councillor Hobson/Seconded by Councillor Singh

**R133/12/02/06** THAT Council receives, for information, the report dated February 1, 2012 from the Cultural Services Manager;

AND THAT Council approves the 2012 Professional Arts Grants as recommended in the report dated February 1, 2012 from the Cultural Services Manager, for the following organizations:

- a) \$20,000.00 to the Okanagan Artists Alternative Association (operating as Alternator Centre for Contemporary Art);
- b) \$25,000.00 to Kelowna Ballet Society (operating as Ballet Kelowna); and
- c) \$50,000.00 to the Okanagan Symphony Society.

Carried

## 5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### (BYLAWS PRESENTED FOR FIRST THREE READINGS)

5.1 Bylaw No. 10648 - Amendment No. 5 to the Solid Waste Management Regulation Bylaw No. 10106

Moved by Councillor Hobson/Seconded by Councillor Singh

**R134/12/02/06** THAT Bylaw No. 10648 be read a first, second and third time.

Carried

## 6. MAYOR & COUNCILLOR ITEMS

Councillor Blanleil:

- Provided an update regarding a potential economic partnership with the City of Scottsdale, Arizona.
- Advised that he met with the Mayor of Scottsdale and believes that there is an interest in forming some type of partnership with the City of Kelowna.

Councillor Hobson:

- Acknowledged Jennifer Hindle's contributions to the City of Kelowna.

Regular Meeting - P.M.

February 6, 2012

7. TERMINATION

The meeting was declared terminated at 2:53 p.m.

Certified Correct:

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Deputy Mayor Stack

City Clerk

SLH/dld/slh