



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, April 8, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Councillor Andre Blancheil, Maxine DeHart\*, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Acting General Manager, Community Sustainability, Doug Gilchrist\*; Acting Director, Real Estate & Building Services, Derek Edstrom\*; Manager, Property Management, Ron Forbes\*; Manager, Cultural Services, Sandra Kochan\*; Manager, Development Engineering, Steve Muenz\*; Acting Manager, Urban Land Use, Alec Warrander\*; and Council Recording Secretary, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 1:30 p.m.

Mayor Gray 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.

2. Confirmation of Minutes

Moved By: Councillor Given/Seconded By: Councillor Basran

R222/13/04/08 THAT the Minutes of the Regular PM Meetings of March 18, 2013 and March 25, 2013 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Rotary Centre for the Arts - Annual Report

Staff:

- Introduced the presentation.

Patrick LeBlanc, General Manager, Rotary Centre for the Arts:

- Displayed a video celebrating the 10th Anniversary of the Rotary Centre for the Arts.
- Provided an overview of the previous year and responded to questions from Council.

4. Unfinished Business

4.1. Rezoning Application No. Z12-0039, Supplemental Report - Westcorp Properties Inc., Mobile Home Relocation Plan, 3787, 3791 & 3795 Lakeshore Road

Councillor Blanleil:

- Advised that he has read the Public Hearing Minutes from March 26, 2013, the speaking notes that were submitted as well as the correspondence.

Councillor Singh:

- Advised that she has read the Public Hearing Minutes from March 26, 2013, the speaking notes that were submitted as well as the correspondence.

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R223/13/04/08 THAT Council receives for information the supplemental report from the Land Use Management Department dated April 3rd, 2013 with respect to clarification on Application No's. OCP12-0006, TA12-0007 & Z12-0039.

Carried

4.1.1. Bylaw No. 10817 (OCP12-0006) - Westcorp Properties Inc., 3787, 3791 and 3795 Lakeshore Road

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R224/13/04/08 THAT Bylaw No. 10817 be read a second and third time.

Carried

Councillors Given, Hobson and Singh - Opposed.

4.1.2. Bylaw No. 10812 (TA12-0007) - Westcorp Properties Inc., New CD 24 Comprehensive Development Zone 24 - Zoning Bylaw No. 8000

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R225/13/04/08 THAT Bylaw No. 10812 be read a second and third time.

Councillors Given, Hobson and Singh - Carried  
Opposed.

4.1.3. Bylaw No. 10818 (Z12-0039) - Westcorp Properties Inc., 3787, 3791 and 3795 Lakeshore Road

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R226/13/04/08 THAT Bylaw No. 10818 be read a second and third time.

Councillors Given, Hobson and Singh - Carried  
Opposed.

5. Development Application Reports & Related Bylaws

5.1. Bylaw No. 10837 (OCP13-0001) - Graeme James, 1242-1244 Pheasant Street

Moved By: Councillor Zimmermann/Seconded By: Councillor Blanleil

R227/13/04/08 THAT Council receives, for information, the verbal report from the Acting Manager, Urban Land Use dated April 8, 2013 with respect to Official Community Plan Bylaw Amendment Application No. OCP13-0001 and Rezoning Application No. Z13-0002 for 1242-1244 Pheasant Street.

Carried

Moved By: Councillor Given/Seconded By: Councillor Stack

R228/13/04/08 THAT Bylaw No. 10837 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

5.1.1. Bylaw No. 10838 (Z13-0002) - Graeme James, 1242-1244 Pheasant Street

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R229/13/04/08 THAT Bylaw No. 10838 be read a first time.

Carried

5.2. Rezoning Application No. Z13-0012 - Blenk Development Corp., Various Wilden Properties

Moved By: Councillor Given/Seconded By: Councillor Hobson

R230/13/04/08 THAT Rezoning Application No. Z13-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of The North West ¼ of Section 5, Township 23, ODYD, Except Plans 20895, KAP88266, and EPP24895, located at 185 Clifton Road North, The South West ¼ of Section 5, Township 23, ODYD, Except Plans KAP83526, KAP88266, EPP9195, and EPP24895, located at (E OF) Upper Canyon Drive, The North East ¼ of Section 5, Township 23, ODYD, Except Plans 896, B645, KAP69724, and EPP24895, located at (W OF) Union Road, Lot D, Section 8, Township 23, ODYD, Plan KAP75116, Except Plan EPP24895, located at 225 Clifton Road from P3 - Parks and Open Space, RU2H - Medium Lot Housing (Hillside Area), RU1H - Large Lot Housing (Hillside Area) and Agriculture 1 to RU2H - Medium Lot Housing (Hillside Area) & RU1H - Large Lot Housing (Hillside Area) as shown on Map 'B' attached to the report of the Land Use Management Department, dated March 15, 2013 be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

5.2.1. Bylaw No. 10839 (Z13-0012) - Blenk Development Corp, Various Wilden Properties

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R231/13/04/08 THAT Bylaw No. 10839 be read a first time.

Carried

5.3. Official Community Plan Bylaw Amendment Application No. OCP12-0015 - 0754028 BC Ltd., 526 Doyle Avenue & 1368 St. Paul Street

Staff:

- Provided an overview of the proposed Official Community Plan amendment;
- Displayed a conceptual drawing of the proposed towers.
- Responded to questions from Council.

Moved By: Councillor Zimmermann/Seconded By: Councillor Hobson

R232/13/04/08 THAT Official Community Plan Bylaw Amendment No. OCP12-0015 to amend the 2030 Official Community Plan Bylaw No. 10500, for Objective 5.5, Policy .1, Building Height to exclude the development proposed at 526 Doyle Avenue and 1368 St. Paul Street from the City Centre Building Heights Map in order to permit one 30 storey (88m) mixed use tower be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP12-0015 to amend the 2030 Official Community Plan Bylaw No. 10500, for Objective 5.5, Policy .1, Building Height to exclude the development proposed at 526 Doyle Avenue and 1368 St. Paul Street in order to permit a 22 storey and 30 storey mixed use development with the two towers having a separation of 32.0m where the minimum tower separation for a project with a tower floor plate greater than 697m<sup>2</sup> is 36.5m., be considered by Council;

AND THAT Council considers the applicant's March 8th, 2013 Public Information Meeting 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 March 15th, 2013;

AND THAT the Official Community Plan Bylaw Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

**5.3.1. Bylaw No. 10825 (OCP12-0015) - 0754028 BC Ltd., 526 Doyle Avenue & 1368 St. Paul Street**

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R233/13/04/08 THAT Bylaw No. 10825 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

**5.4. Official Community Plan Bylaw Amendment Application No. OCP13-0002, Rezoning Application No. Z13-0003 and Text Amendment Application No. TA13-0004 - Protech Consultants Ltd., 1760, 2025 & 2137 Quail Ridge Blvd.**

Staff:

- Provided an overview of the proposed applications and responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Given

R234/13/04/08 THAT Official Community Plan Bylaw Amendment No. OCP13-0002 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of The West ½ of Section 14 Township 23 ODYD Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP82802 located at 1760 Quail Ridge Blvd; Lot A District Lot 32 and Section 14 Township 23 ODYD Plan KAP52924 located at 2137 Quail Ridge Blvd; and Lot B District Lot 32 and Section 14 Township 23 ODYD Plan KAP52924 located at 2025 Quail Ridge Blvd, Kelowna, BC from the Resource Protection Area (REP), Commercial (COMM), Industrial (IND) and Parks & Open Space (PARK) designation, to the Commercial (COMM), Industrial (IND) and Parks & Open Space (PARK) designation, as shown on Map "A" attached to the Report of the Land Use Management Department dated March 13, 2013, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP13-0002 to amend Map 5.8 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by adding the 'Comprehensive Development Permit Area' designation to The West ½ of Section 14 Township 23 ODYD Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP82802 located at 1760 Quail Ridge Blvd; Lot A District Lot 32 and Section 14 Township 23 ODYD Plan KAP52924 located at 2137 Quail Ridge Blvd; and Lot B District Lot 32 and Section 14 Township 23 ODYD Plan KAP52924 located at 2025 Quail Ridge Blvd, Kelowna, B.C., as shown on Map "C" attached to the Report of Land Use Management Department dated March 13, 2013, be considered by Council;

AND THAT Official Community Plan Bylaw No. OCP13-0002 to amend Table 4.2 - Potential ASP Development Components of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by removing reference to "1. Pier Mac" as shown on Schedule

"A" attached to the Report of the Land Use Management Department dated March 13, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of The West ½ of Section 14 Township 23 ODYD Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP82802 located at 1760 Quail Ridge Blvd; Lot A District Lot 32 and Section 14 Township 23 ODYD Plan KAP52924 located at 2137 Quail Ridge Blvd; and Lot B District Lot 32 and Section 14 Township 23 ODYD Plan KAP52924 located at 2025 Quail Ridge Blvd, Kelowna, BC from the A1- Agriculture 1, CD15 - Airport Business Park, I5 - Extraction, and P3 - Parks & Open Space zone to the CD15 - Airport Business Park and P3 - Parks and Open Space zone, as shown on Map "B" attached to the Report of the Land Use Management Department dated March 13, 2013, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA13-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the CD15 - Airport Business Park zone, as outlined in Schedule "B" of the Report of the Land Use Management Department dated March 13, 2013, be considered by Council;

AND THAT the City of Kelowna Zoning Bylaw be amended by removing and replacing the CD15 - Airport Business Park zone "Map 1" as outlined in Schedule "C" of the Report of the Land Use Management Department dated March 13, 2013 be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw, the Zone Amending Bylaw and the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch, Environment & Land Use Branch, Ministry of Transportation and the Glenmore Ellison Irrigation District being met.

Carried

5.4.1. Bylaw No. 10832 (OCP13-0002) - Protech Consultants Ltd., 1760, 2025 & 2137 Quail Ridge Road

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R235/13/04/08 THAT Bylaw No. 10832 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

5.4.2. Bylaw No. 10833 (TA13-0004) - Protech Consultants Ltd., CD15 Airport Business Park

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R236/13/04/08 THAT Bylaw No. 10833 be read a first time.

Carried

5.4.3. Bylaw No. 10834 (Z13-0003) - Protech Consultants Ltd., 1760, 2025 & 2137 Quail Ridge Road

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R237/13/04/08 THAT Bylaw No. 10834 be read a first time.

Carried

5.5. Bylaw No. 10703 (OCP11-0018) - JB Developments Inc., 373-375 Fizet Avenue

Moved By: Councillor Basran/Seconded By: Councillor Blanleil

R238/13/04/08 THAT Bylaw No. 10703 be adopted.

Carried

5.5.1. Bylaw No. 10704 (Z11-0090) - JB Developments Inc., 373-375 Fizet Avenue

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R239/13/04/08 THAT Bylaw No. 10704 be adopted.

Carried

5.5.2. Development Permit Application No. DP12-0171 - JB Developments Inc., 373-375 Fizet Avenue

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R240/13/04/08 THAT Final Adoption of Official Community Plan Amending Bylaw No. 10703 and the Zone Amending Bylaw No. 10704 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP12-0171 for Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizet Avenue, 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"; and
3. Landscaping to be provided on the land be in general accordance with Schedule "C".

Carried

5.6. Rezoning Application No. Z10-0091, Extension Request - Siegfried Schulz, 196 Cariboo Road

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R241/13/04/08 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10536, Lot H, Section

4, Township 23, O.D.Y.D., Plan 20088, located on 196 Cariboo Road, Kelowna, BC, be extended from October 19, 2012 to October 19, 2013.

Carried

**6. Bylaws for Adoption (Development Related)**

**6.1. Bylaw No. 10791 (OCP12-0018) - The Creeks Kelowna, (N of) Steele Road & 1450 Steele Road**

Moved By: Councillor Basran/Seconded By: Councillor Blancheil

R242/13/04/08 THAT Bylaw No. 10791 be adopted.

Carried

**6.1.1. Bylaw No. 10792 (Z12-0058) - The Creeks Kelowna, (N of) Steele Road and 1450 Steele Road**

Moved By: Councillor Singh/Seconded By: Councillor Hobson

R243/13/04/08 THAT Bylaw No. 10792 be adopted.

Carried

**6.2. Bylaw No. 10796 - City of Kelowna Text Amendment Application No. TA12-0013, Text Amendments to Zoning Bylaw No. 8000 (Carriage House)**

Moved By: Councillor Singh/Seconded By: Councillor Hobson

R244/13/04/08 THAT Bylaw No. 10796 be adopted.

Carried

**6.3. Bylaw No. 10801 - City of Kelowna Text Amendment No. TA12-0010, Amending Section 14, Commercial Zone**

Councillor DeHart declared a conflict of interest as she works in the hotel/motel industry and left the meeting at 3:03 p.m.

Moved By: Councillor Singh/Seconded By: Councillor Hobson

R245/13/04/08 THAT Bylaw No. 10801 be adopted.

Carried

**7. Non-Development Reports & Related Bylaws**

**7.1. Licence and Management Agreement - Downtown Marina**

Councillor DeHart rejoined the meeting at 3:04 p.m.

Staff:

- Provided an overview of the terms of the Licence and Management Agreement for the Downtown Marina.



Moved By: Councillor Given/Seconded By: Councillor Blanleil

R246/13/04/08 THAT Council approves the City entering into a fifteen (15) year Licence and Management Agreement, with Downtown Marina Inc., with the option to renew for an additional five (5) year term, in the form attached to the Report of the Manager, Property Management, dated April 3, 2013;

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

Carried

**8. Bylaws for Adoption (Non-Development Related)**

**8.1. Bylaw No. 10814 - Amendment No. 22 to Traffic Bylaw No. 8120**

Moved By: Councillor Singh/Seconded By: Councillor Hobson

R247/13/04/08 THAT Bylaw No. 10814, being Amendment No. 22 to Traffic Bylaw No. 8120 be adopted.

Carried

**9. Mayor and Councillor Items**

Councillor Stack:

- Noted that he attended the launch of the RapidBus announcement on behalf of the Mayor.
- Commented on the 'trip hazards' on Bernard Avenue as a result of the revitalization project and requested that staff provide information on how the 'trip hazards' are being addressed.

Councillor Blanleil:

- Noted that the FortisBC deal with the City has now been officially approved and congratulated City staff on the successful completion of the deal.

Councillor Singh:

- Noted that she attended 'Small Shops Saturday' this past Saturday.

Councillor Hobson:

- Noted that Paul Macklem is scheduled to return to the City from his interim position on the Regional District next week and thanked the City Manager for loaning Mr. Macklem to the Regional District for the past year.
- Thanked Councillor DeHart for her comments in her recent column concerning the late Mike Doherty and his passion for public transit.
- Raised the idea of a tour with UDI of larger development projects that have been approved by the City and are now at the build-out stage.

Mayor Gray:

- Reminded Council of the Strategic Planning Workshop session scheduled for tomorrow.

10. Termination

This meeting was declared terminated at 3:17 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

/slh