



City of Kelowna Regular Council Meeting Minutes

Date: Monday, April 29, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Singh and Councillors Colin Basran, Maxine DeHart, Gail Given, Luke Stack and Gerry Zimmermann.

Council Members Absent: Mayor Walter Gray and Councillors Andre Blanleil and Robert Hobson

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble*; Executive Director of Business Development, Jim Paterson*; Manager, Regional Services, Jerry Dombowsky*, Manager, Utility & Building Projects, Kevin Van Vliet*; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

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

Deputy Mayor Singh 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. Confirmation of Minutes

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R307/13/04/29 THAT the Minutes of the Regular PM Meeting of April 22, 2013 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. 2012 United Way Campaign - Quantum Leap Giving Award

Executive Director of Business Development:

- Introduced the presentation;

Marla O'Brien, Executive Director, and Jennifer Park, Director of Resource Development, United Way of the Central and South Okanagan Similkameen:

- Presented the 2012 United Way Quantum Leap Giving Award to Deputy Mayor Singh accepting on behalf of the City of Kelowna Staff Committee.

4. Development Application Reports & Related Bylaws

4.1. Heritage Designation Application No. HD13-0001 - 0874309 BC Ltd., 784 Elliot Avenue

Staff:

- Advised that the Heritage Revitalization Agreement is the mechanism by which Council will deliberate the merits of this project. There is no rezoning contemplated as the Heritage Revitalization Agreement is proposing a trade-off between zoning, land use and heritage restoration.

Moved By: Councillor Given/Seconded By: Councillor Zimmermann

R308/13/04/29 THAT City Council consider designation of the building located at Lot 3, District Lot 138, ODYD Plan 9360, 784 Elliot Avenue, Kelowna, B.C., commonly known as the "Copeland House" as a Municipal Heritage Site to Section 967 of the Local Government Act;

AND THAT the Heritage designation Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.1.1. Bylaw No. 10841 (HD13-0001) - Heritage Designation Bylaw "Copeland House" - 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R309/13/04/29 THAT Bylaw No. 10841 be read a first time.

Carried

4.2. Heritage Revitalization Agreement Application No. HRA12-0001 - 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor Given/Seconded By: Councillor Zimmermann

R310/13/04/29 THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property legally known as Lot 3, District Lot 138, ODYD Plan 9360 located on 784 Elliot Avenue, Kelowna, BC, in the form attached as Schedule "A" to the Report from the Land Use Management Department dated April 3, 2013;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Heritage Revitalization Agreement Authorization be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT the applicant be required to post a Landscape Performance Security bond with the City in the form of a "Letter of Credit" or cash in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

Carried

4.2.1. Bylaw No. 10840 (HRA12-0001) - Heritage Revitalization Agreement Authorization Bylaw, 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R311/13/04/29 THAT Bylaw No. 10840 be read a first time.

Carried

4.3. Development Permit Application No. DP13-0013 - Lipkovits Holdings Ltd., 320 Nickel Road

Moved By: Councillor Given/Seconded By: Councillor DeHart

R312/13/04/29 THAT The Council authorizes the issuance of Development Permit No. DP13-0013 for Lot 7, Section 27, township 26, ODYD Plan 8839 located at 320 Nickel 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;
5. That the Development Engineering and Black Mountain Irrigation District requirements must be completed prior to the issuance of a Building Permit.

AND FURTHER THAT the applicant be required to complete the above noted conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

Carried

- 4.4. Rezoning Application No. Z10-0044, Extension Request - Nathan Morden, 120 Homer Road

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R313/13/04/29 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10403 (Z10-0044) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC, be extended from March 21, 2013 to March 21, 2014.

Carried

- 4.5. Rezoning Application No. Z10-0104, Extension Request - Eric and Margaret Nickel, 1205, 1215, 1223 & 1229 Richter Street

Moved By: Councillor Basran/Seconded By: Councillor Given

R314/13/04/29 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10544 (Z10-0104), Lots 10-13 District Lot 138 ODYD Plan 1039, located on Richter Street, Kelowna, BC, be extended from March 7, 2013 to March 7, 2014.

Carried

- 4.6. Rezoning Application No. Z10-0096, Extension Request - 0831627 BC Ltd., 540 Osprey Avenue

Moved By: Councillor Zimmermann/Seconded By: Councillor Given

R315/13/04/29 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10482 (Z10-0096) for Lot A, DL 14, ODYD, Plan EPP14200, located at 540 Osprey Avenue Kelowna, BC be extended from March 8, 2013 to March 8, 2014.

Carried

- 4.7. Official Community Plan Bylaw Amendment Application No. OCP08-0011 and Rezoning Application No. Z07-0079, Extension Request - Kathleen (Kimble) Mooney, 526 Hawes Court (formerly known as 5007 Chute Lake Road)

Staff:

- Responded to questions from Council regarding the proposed rezoning of the subject property to the RU1hs, which no longer exists.

Deputy City Clerk:

- Provided information regarding the process and procedures for moving forward with this application.

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R316/13/04/29 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw Nos. 10389 (OCP08-0011) and 10390 (Z07-0079) for Lot 2 Section 24 Township 28 SDYD, Plan 33972 Except Plan 35765, EPP25048 and EPP23906 for 526 Hawes Court, be extended from February 24, 2013 to February 24, 2014.

Carried

4.8. OCP 2030 Bylaw 10500 - Miscellaneous Amendments (Bylaw 10746)

This Agenda item was withdrawn by staff.

4.8.1. Bylaw No. 10746 (OCP12-0010) - City of Kelowna, Miscellaneous Amendments

This Agenda item was withdrawn by staff.

5. Non-Development Reports & Related Bylaws

5.1. Okanagan Car Share Co-Op Parking Spaces

Staff:

- Provided an overview of the Okanagan Car Share Co-op Program and responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Basran

R317/13/04/29 THAT Council authorizes two (2) parking spaces at no charge from May 15, 2013 to May 15, 2014 at the City's Memorial Arena lot for the Okanagan Car Share Co-op as identified in Appendix "A" to the report of the Regional Programs Manager dated April 11, 2013;

AND That Council authorizes one (1) parking space at no charge from May 15, 2013 to May 15, 2014 at the City's Osprey lot for the Okanagan Car Share Co-op as identified in Appendix "B" to the report of the Regional Programs Manager dated April 11, 2013.

Carried

5.2. Library Parkade Expansion, Ellis Parkade Project Update

Staff:

- Displayed a PowerPoint Presentation and responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Stack

R318/13/04/29 THAT Council receives, for information, the report from the Manager Utility and Building Projects dated April 22, 2013 with respect to the Library Parkade expansion and the Ellis Parkade projects.

Carried

6. Resolutions

6.1. Draft Resolution, Cancellation of the May 7, 2013 Public Hearing and Regular Meeting

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R319/13/04/29 THAT the Public Hearing and Regular Meeting scheduled for Tuesday, May 7, 2013 be cancelled.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1. Bylaw No. 10824 - Sterile Insect Release Program Parcel Tax Bylaw 2013

Moved By: Councillor Given/Seconded By: Councillor Stack

R320/13/04/29 THAT Bylaw No. 10824, being Sterile Insect Release Program Parcel Tax Bylaw 2013 be adopted.

Carried

7.2. Bylaw No. 10842 - Road Closure and Removal of Highway Dedication - Portion of Land West of 4753 Gordon Drive

Deputy Mayor Singh invited anyone in the public gallery who deems themselves affected by the proposed road closure to come forward. No one came forward.

Moved By: Councillor Stack/Seconded By: Councillor Given

R321/13/04/29 THAT Bylaw No. 10842, being Road Closure and Removal of Highway Dedication - Portion of Land West of 4753 Gordon Drive, be adopted.

Carried

8. Mayor and Councillor Items

Councillor DeHart:

- Reminded everyone that Wednesday, May 1, 2013 is the 38th Annual Civic & Community Awards.

Councillor Stack:

- Advised that the Rotary Centre for the Arts will be celebrating Asian Heritage Month on Wednesday, May 1, 2013.

Councillor Given:

- Provided comment on her attendance at the Provincial Conference for School Trustees
- Provided comment on her attendance at the Vaisakhi Parade over the weekend.

9. Termination

This meeting was declared terminated at 2:25 p.m.

Deputy Mayor Singh

Deputy City Clerk

/slh