



City of Kelowna Regular Council Meeting Minutes

Date: Monday, June 17, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Planning & Real Estate, Doug Gilchrist*; Manager, Urban Planning, Danielle Noble*; Director, Financial Services, Keith Grayston*; Manager, Parks & Public Places, Terry Barton*; Planner Specialist, Kristine Bouw*; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:34 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 and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By: Councillor Stack/Seconded By: Councillor Basran

R417/13/06/17 THAT the Minutes of the Regular PM Meeting of June 10, 2013 be confirmed as amended.

Carried

3. Public in Attendance

Mayor Gray recognized City Manager, Ron Mattiussi, for receiving a 25-year service award from the Canadian Association of Municipal Administrators.

3.1. Nancy Cameron, CEO and President, Tourism Kelowna, re: Presentation to Kelowna City Council

Councillor DeHart declared a conflict of interest as she works directly with the hotel/motel industry and left the meeting at 1:40 p.m.

Staff:

- Provided opening remarks and introduced Brad Sieben, Chair, Board of Directors, Tourism Kelowna, and Nancy Cameron, CEO and President, Tourism Kelowna.

Brad Sieben, Chair, Board of Director, Tourism Kelowna:

- Gave a verbal presentation regarding the Municipal & Regional District (Hotel) Tax.

Nancy Cameron, CEO & President, Tourism Kelowna:

- Spoke to the history of the implementation of the Municipal & Regional District (Hotel) Tax Agreement with Tourism Kelowna.

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R418/13/06/17 THAT Council receives, for information, the verbal presentation from Tourism Kelowna dated June 17, 2013 with respect to the Municipal & Regional District (Hotel) Tax.

Carried

3.2. 2014-2018 Municipal & Regional District (Hotel) Tax Renewal

Moved By: Councillor Zimmermann/Seconded By: Councillor Singh

R419/13/06/17 THAT Council approves the renewal of the 2014-2018 Municipal & Regional District (Hotel) Tax Agreement with Tourism Kelowna;

AND THAT Bylaw No. 10853 being the City of Kelowna Hotel Tax Bylaw be forwarded for reading consideration.

Carried

3.2.1. Bylaw No. 10853 - Hotel Tax Bylaw

Moved By: Councillor Stack/Seconded By: Councillor Given

R420/13/06/17 THAT Bylaw No. 10853 be read a first, second and third time.

Carried

4. Development Application Reports & Related Bylaws

4.1. Heritage Alteration Permit No. HAP13-0003, 250 Lake Avenue, Marianne Joy Hill

Councillor DeHart rejoined the meeting at 1:54 p.m.

Staff:

- Provided an overview of the proposal and displayed overhead maps, sketches and photographs.
- Responded to questions from Council.

City Clerk:

- Made reference to the December 11, 2012 Public Hearing Minutes.

Mayor Gray invited the Applicant, or the Applicant's Representative, to come forward.

Ed Guy, Applicant's Representative:

- Displayed overhead maps, sketches and photographs of the subject property.
- Requested that Council adopt the Alternate Recommendation in the staff report.
- The supporters of the Public Hearing all knew that Ms. Hill was proposing to build a house with approximately 2,600 square feet of living space with an integral garage. The neighbourhood all received, or had access to, Ms. Hill's neighbourhood information brochure.
- Believes that the only areas of commonality between the side view of this proposal and the front view of 1869 Maple Street are the fact that both include dormers and gables.
- This lot could have been built on if the encroaching house were removed. No public process would be required.
- Believes that the concerns staff expressed are all unavoidable side effects of the plan devised by senior City staff and approved by Council to avoid the need to demolish the old house and fell the old tree in order to develop the vacant lot.
- Ms. Hill is proposing site coverage of 143 m², which is less than 30%, or less than ¾ of her entitlement.
- Responded to questions from Council.

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R421/13/06/17 THAT Council NOT authorizes the issuance of Heritage Alteration Permit No. HAP13-0003, for Lot 5, Block D, District Lot 14, ODYD Plan 2220, located on 250 Lake Avenue, Kelowna, BC.

Carried

4.2. Rezoning Application No. Z13-0006 and Official Community Plan Amendment Application No. OCP13-0005, 1982 Kane Road and 1970-1974 Kane Road, Fred Marin

Staff:

- Provided an overview of the Official Community Plan amendments and the proposed rezoning applications.

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R422/13/06/17 THAT Official Community Plan Bylaw Amendment No. OCP13-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located at 1982 Kane Road, Kelowna, BC from the MRL - Multiple Unit Residential (Low Density) and MRM - Multiple Unit Residential (Medium Density) designations to the COMM - Commercial, MRL - Multiple Unit Residential (Low Density), and MRM - Multiple Unit Residential (Medium Density) designations, as shown on Map "A1" attached to the Report of Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP13-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the

Future Land Use designation of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located at 1970-1974 Kane Road, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the COMM - Commercial designations as shown on Map "A2" attached to the Report of Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located at 1982 Kane Road, Kelowna, BC from the A1 - Agricultural 1 zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, as shown on Map "B1" attached to the Report of the Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located at 1970-1974 Kane Road, Kelowna, BC from the RM5 - Medium Density Multiple Housing zone to the C3 - Community Commercial zone, as shown on Map "B2" attached to the Report of the Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Council considers the applicant's April 11, 2013 Public Information Session 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 June 5, 2013;

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

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered following registration of a mutual access agreement for access over Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) and Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) in favour of each lot, and a cross-parking and loading agreement between Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) and Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) in favour of each lot, to the satisfaction of the City of Kelowna, on the titles of both Lots C and 1 in the Land Titles Office;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered subsequent to the requirements of the Development Engineering Branch and Glenmore-Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw for Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) be considered separately from final adoption of the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road).

Carried

City Clerk:

- Advised that this application and the corresponding bylaws will be scheduled to the July 2, 2013 Public Hearing.

4.2.1. Bylaw No. 10856 (OCP13-0005) - Raisanen Construction Ltd, Inc., 1982 Kane Road

Moved By: Councillor Given/Seconded By: Councillor Stack

R423/13/06/17 THAT Bylaw No. 10856 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

4.2.2. Bylaw No. 10857 (Z13-0006) - Raisanen Construction Ltd., 1982 Kane Road

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R424/13/06/17 THAT Bylaw No. 10857 be read a first time.

Carried

4.2.3. Bylaw No. 10858 (OCP13-0005) - PC Urban (Brandt's Creek) Holdings Corporation Inc., 1970-1974 Kane Road

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R425/13/06/17 THAT Bylaw No. 10858 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

4.2.4. Bylaw No. 10859 (Z13-0006) - PC Urban (Brandt's Creek) Holdings Corporation, Inc., 1970-1974 Kane Road

Moved By: Councillor Singh/Seconded By: Councillor Hobson

R426/13/06/17 THAT Bylaw No. 10859 be read a first time.

Carried

4.3. Rezoning Application No. Z12-0006, 587-589 Lawrence Avenue, Rise Tide Consultants Ltd. for DV8 Entertainment Inc.

Staff:

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

Moved By: Councillor Stack/Seconded By: Councillor Hobson

R427/13/06/17 THAT Rezoning Application No. Z12-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, DL 139, O.D.Y.D., Plan 2536, located on 578-589 Lawrence Avenue, Kelowna, BC from the C7 - Central Business zone to the C7 Ip - Central Business (Liquor Primary) zone, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Liquor License Application for the subject property;

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.

Carried

City Clerk:

- Advised that this application and the corresponding bylaw will be scheduled to the July 2, 2013 Public Hearing.

4.3.1. Bylaw No. 10854 (Z12-0006) - 587-589 Lawrence Avenue, Finnasha Holdings Corp. Inc.

Moved By: Councillor Singh/Seconded By: Councillor Hobson

R428/13/06/17 THAT Bylaw No. 10854 be read a first time.

Carried

4.4. Rezoning Application No. Z09-0071, Extension Request - 5505 Chute Lake Road, Dave Lange, Calcan Inv. Inc.

Moved By: Councillor Zimmermann/Seconded By: Councillor Given

R429/13/06/17 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw Nos. 10669, 10670 and 10673 for The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, be extended from June 28, 2013 to June 28, 2014.

Carried

- 4.5. Rescind Bylaw No. 10643 (Z11-0078), 2119 and 2125 Rutland Road North, Colin Gauthier

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R430/13/06/17 THAT first, second and third readings given to Bylaw No. 10643 be rescinded;

AND THAT the file for Rezoning Application No. Z11-0078 for the properties located at 2119 and 2125 Rutland Road North be closed.

Carried

- 4.6. Development Permit Amendment No. DP12-0219, 1515 Highland Drive N., GTA Architecture

Staff:

- Provided an overview of the amendments to the Development Permit and responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Singh

R431/13/06/17 THAT Council authorizes the issuance of Development Permit Amendment No. DP12-0219 for Lot 1, Section 29, Township 26, ODYD, Plan EPP14446, located at 1515 Highland Drive N., 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 THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

- 4.7. Public Special Occasion Liquor Licence Application No. LL13-0006, 1700-1800 Parkinson Way, 1456 Spall Road, Gordon Fitzpatrick

Staff:

- Provided an overview of the Public Special Occasion Liquor Licence Application.
- Displayed a map indicating the area that liquor will be served in.
- Responded to questions from Council.

City Clerk:

- Advised that the City of Kelowna is part of a 'pilot project'. As this is the first application before Council, the application does not currently have an established process.

Moved By: Councillor DeHart/Seconded By: Councillor Singh

R432/13/06/17 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy No. 359, BE IT RESOLVED THAT:

Council supports the application for a Public - Special Occasion License for the Kelowna Futures Tennis Tournament to be held at the Parkinson Recreation Centre on July 2, 2013 to July 7, 2013 inclusive, to facilitate a family oriented tennis tournament.

Carried

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

5.1. **New RCMP Building - Design Process**

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R433/13/06/17 THAT Council approves \$200,000 to proceed with the design of the new RCMP building to be funded from the RCMP Building Reserve (R019);

AND THAT the 2013 Financial Plan be amended accordingly.

Carried

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

6.1. **Bylaw No. 10851 - Amendment No. 1 to Bylaw No. 9884 Housing Agreement Authorization Bylaw, 1314694 Alberta Ltd. Inc.**

Moved By: Councillor Basran/Seconded By: Councillor Blanleil

R434/13/06/17 THAT Bylaw No. 10851 be adopted.

Carried

7. **Mayor and Councillor Items**

Councillor Given:

- Advised that she represented the Mayor at the training initiative for energy efficient buildings at the John Howard Society.
- Reminded everyone that June 21, 2013 is National Aboriginal Day.

Councillor Basran:

- Advised that he participated in the 'Marathon of Sport' event this past Saturday, which raised \$40,000.00 for Special Olympics Canada.
- Advised that the 2013 edition of 'Metabridge' is being held in Kelowna this week.

Councillor Singh:

- Commented on her attendance at the 75th Anniversary of the Canadian School of Ballet.
- Commented on the Garden Tour of the Lower/Upper Mission last Saturday.

Councillor Hobson:

- Commented on his attendance at the 100th Anniversary Dinner for St. Michael's Anglican Church.

Mayor Gray:

- Commented on Council's meeting with Premier Clark last week.
- Commented on the new air service from Whitehorse to Kelowna via Air North.

8. Termination

This meeting was declared terminated at 3:45 p.m.

Mayor

City Clerk

/slh