

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, July 14, 2014

9:15 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

Pages

1. Call to Order
2. Confirmation of Minutes 3 - 6
Regular AM Meeting - June 23, 2014
3. Resolution Closing the Meeting to the Public

THAT this meeting be closed to the public pursuant to Section 90(1) (c), (e), (j) and (k) and 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

 - Labour Relations/Employee Relations;
 - Acquisition, Disposition, or Expropriation, of land or improvements;
 - Third Party Information;
 - Provision of a Municipal Service; and
 - Negotiations with another level of government (Provincial Government).
4. Adjourn to Closed Session
5. Reconvene to Open Session
6. Reports
- 6.1 Development Permits and Zoning 20 m 7 - 12

To report back to Council regarding its previous direction to make minor adjustments to the existing process respecting Development Permits and the Rezoning process, and to seek direction moving forward.

7. Issues Arising from Correspondence & Community Concerns

7.1 Deputy Mayor DeHart, re: Issues Arising from Correspondence

30 m

8. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

- Date: Monday, June 23, 2014
Location: Knox Mountain Meeting Room (#4A)
City Hall, 1435 Water Street
- 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; Deputy City Clerk, Karen Needham; Deputy City Manager, Paul Macklem*; Divisional Director, Human Resources & Corporate Performance, Stu Leatherdale*; Airport Director, Sam Samaddar*; Financial Services Manager, Keith Grayston*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Policy & Planning Manager, Danielle Noble*; Policy & Planning Department, Laura Bentley*; Development Engineering Manager, Steve Muenz*; Cultural Services Manager Sandra Kochan*; Grants & Partnerships Manager, Lorna Gunn*; Parks Services Manager, Ian Wilson*; and Council Recording Secretary, Arlene McClelland
1. **Call to Order**
Mayor Gray called the meeting to order at 8:36 a.m.
 2. **Confirmation of Minutes**
Moved By Councillor Hobson/Seconded By Councillor DeHart
R436/14/06/23 THAT the Minutes of the Regular AM Meeting of June 16, 2014 be confirmed as circulated.

Carried
- Councillor Singh joined the meeting at 8:38 a.m.
3. **Reports**
 - 3.1. **Hospital Area Plan - Phase 1**
Councillor Blanleil joined the meeting at 8:40 a.m.
Staff:
 - Introduced term staff member Laura Bentley
 - Provided a review surrounding the history of the report.
 - Displayed a Power Point Presentation and responded to questions from Council.
 - Advised that IHA owns five (5) properties on Christleton Avenue.

Council:

- Commented that they would like to see incorporation of green space in the Hospital area campus.
- Would like to see connectivity between parks.
- Would like staff to report back on revised design guidelines for Christleton Avenue.

City Manager:

- Advised that a CD zone is the only way to pre-determine the entire campus planning as a permanent zone.

Divisional Director, Community Planning & Real Estate

- Advised that staff and IHA are building a relationship towards planning together as opposed to independently planning.
- Advised that the Cycling Master Plan is being worked on right now dealing with sidewalks and cycle paths in the city, including the Hospital campus area.

Moved By Councillor Hobson/Seconded By Councillor Stack

R437/14/06/23 THAT Council receives for information the report from the Policy & Planning Department Manager, dated June 23, 2014, with respect to the Hospital Area Plan (Phase 1);

AND THAT Council directs staff to proceed with the preparation of the corresponding bylaws to support the Hospital Area Plan as outlined in the report from the Policy & Planning Department Manager dated June 23, 2014;

AND FURTHER THAT staff report back to Council with revised Design Guidelines for Christleton Avenue.

Carried

3.2. Sister Cities Progress Report

Staff:

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

Mayor Gray:

- Provided an update on current Sister City requests.

Moved By Councillor Given/Seconded By Councillor Stack

R438/14/06/23 THAT Council receives for information the report dated June 23, 2014 from the Cultural Services Manager and the Grants and Partnerships Manager regarding consultations with the Kelowna-Kasugai Sister City Association and the Kelowna-Veendam Sister City Association about a proposed new Council Policy pertaining to City of Kelowna sister city relationships;

AND THAT Council directs staff to bring forward a report regarding a proposed new Sister City policy.

Carried

3.3. Rotary Light Display Partnership Update

Staff:

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

Council:

- Commented that the old Yacht Club site would be a good location for this display.

- Commented that white fencing would be more appropriate to surround the display.
- Acknowledged that availability of Rotary Club volunteers monitoring the display is an issue and suggested they may need to go outside of the realm of the Rotary volunteers.

City Manager:

- Staff will look into fencing improvements.

Moved By Councillor Blanleil/Seconded By Councillor Stack

R439/14/06/23 THAT Council receive for information the June 17, 2014 report of the Park Services Manager regarding a downtown seasonal light display in partnership with the Capri Rotary Club of Kelowna;

AND THAT up to \$6,000 in funding for the event be drawn from the Partners in Parks funding that was carried over into 2014, to help pay for operational costs on a one-time basis;

AND THAT \$4,000 in funding be added for incidental costs to be drawn from Council Contingency on a one-time basis.

Carried

3.4. YLW Human Resources Business Plan 2014

Deputy City Manager;

- Advised that the Airport is seeing record passenger movements in 2014.
- Advised that succession planning and reviewing future needs has been a nine month project.

Airport Director;

- Provided a Power Point Presentation and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R440/14/06/23 THAT Council receives, for information, the Report of the Airport Director dated June 9, 2014;

AND THAT Council approves an amendment to the City of Kelowna International Airport's 2014 Budget to increase expenditures by \$63,600 to allow for the addition of a Business Development and Community Relations Specialist position and a .5 full-time equivalent Operations Clerk position as provided in Appendix "A" attached, with funding from increased landing fee revenue as a result of additional air service to and from Kelowna International Airport.

Carried

4. Resolution Closing the Meeting to the Public

Moved By Councillor Basran/Seconded By Councillor Singh

R441/14/06/23 THAT this meeting be closed to the public to Section 90(1)(a) and 90(2) (d) of the Community Charter for Council to deal with matters relating to the following:

- Position Appointment; and
- Enactment that excludes the public.

5. Adjourn to Closed Session

The meeting adjourned to a closed session at 10 :51 a.m.

6. Reconvene to Open Session

The meeting reconvened to an open session at 11:28 a.m.

7. Issues Arising from Correspondence & Community Concerns

7.1. Mayor Gray, re: Issues Arising from Correspondence

7.1.1 Mayor Gray, re: Snowbirds Event

Mayor Gray:

- Advised that a request had been made by the Rotary Club for support of a Snowbirds Event.

Moved By Councillor Stack/Seconded By Councillor Hobson

R442/14/06/23 THAT Council support the request from the Rotary Club with up to \$1,500, funded from Council Contingency, for the Snowbirds event to be held July 30, 2014.

Carried

7.1.2 Mayor Gray, re: Dilworth Street Parking in Bike Lanes

Council:

- Discussed the parking issues at events taking place at the fields.
- Inquired if the City could advise there is limited parking when booking fields.

7.1.3 Councillor Singh, re: Area Structure Plan

Councillor Singh:

- Advised that she lives adjacent to the proposed North Clifton Area Structure Plan and believes this to be a conflict of interest.

City Manager:

- Advised that the more directly impacted you are then a conflict of interest should be declared.

8. Termination

The meeting was declared terminated at 11:38 a.m.

Mayor

/acm



Deputy City Clerk

Report to Council



Date: June 2, 2014
Rim No. 1250-01
To: City Manager
From: Urban Planning Department (RS)
Subject: 2014 06 23 Report Development Permits and Zoning

Recommendation:

THAT Council receives, for information, the report of the Urban Planning Department, dated April 16, 2014 with respect to Development Permits and the Rezoning process;

AND THAT Council directs staff to make the minor changes to the current process, as described in the report of the Urban Planning Department, dated May 30, 2014.

Purpose:

To report back to Council regarding its previous direction to make minor adjustments to the existing process respecting Development Permits and the Rezoning process, and to seek direction moving forward.

Background:

The Official Community Plan (OCP) contains the framework for all of the City's Development Permits (DPs). The OCP sets the areas within which DPs are required, the purpose for any given DP, the conditions under which a DP is required, and the guidelines with which development must comply. The DPs most frequently seen by Council include major commercial, industrial, and multiple unit residential development. The large majority of DPs processed are issued at a staff level, and include urban design DP's that affect development in character areas, hillside areas, and two dwelling housing; and DP's for development in environmentally sensitive areas, lands subject to hazardous conditions, and for farm protection.

At its regular meeting of June 10, 2013, Council considered options for how Development Permits and the Rezoning process are tied together. At present, the process can be summarized as follows (See *Attachments 1 & 2*):

- Where a standard development triggers both a Zoning and a Development Permit, a DP must be obtained in conjunction with final adoption of the zoning.

- Where a major development (i.e.: multi-phased) triggers both a Zoning and a Development Permit, a high level DP (overall form and character standards, perimeter landscaping, site programming) must be obtained in conjunction with final adoption of the zoning. This is to be followed by phase-specific DPs as the project moves forward.
- Where a minor development (e.g.: duplex, carriage house) triggers both a Zoning and a Development Permit, a DP is executed at a staff level, but must be ready in conjunction with final adoption of the zoning.

In almost all instances described above, staff encourage applicants to work on the DP early in the zoning process. This has two primary benefits: it forces the applicant to “ground truth” the proposal, identifying any major issues or variances early on; and, it also provides a level of comfort for the public and for staff about the form that future development will take. However, for minor developments, staff only require DP information in advance of final adoption of zoning, as the risks associated with such development are limited when compared to those of larger proposals.

While Council indicated that it was generally satisfied with the process as is, staff was directed to report back on options for “minor adjustments” to the existing process.

Discussion:

Following Council’s direction to examine opportunities for “minor adjustments” to the existing process, staff are recommending the following measures:

1) Provide the option of registering Section 219 Restrictive Covenants

From the development community, one of the key criticisms of requiring Development Permits at zoning is the cost involved in producing DP drawings. From the public perspective, being provided enough information at zoning is critical to understanding the direct impacts of a project.

As a means to satisfy both objectives, staff suggest that applicants who do not wish to commit to detailed design elements at zoning follow an alternate option. The alternate option would allow them to proceed through final adoption of zoning without a DP, subject to registration of a restrictive covenant. The restrictive covenant would set specific key limitations on future development over and above zoning, such as use limitations, heights, setbacks, landscape treatments, building orientation, and materials. Such covenants will have to be negotiated on a case-by-case basis with staff.

Once registered on title during the zoning process, all future development on the lot would be subject to the terms of the covenant. When the applicant does come forward with a DP that is consistent with the terms of the covenant, the covenant can then be discharged.

The benefit of this approach for applicants is principally in its inherent flexibility. It provides developers with security of land use, so long as development falls within the confines of the covenant and zoning regulations. For the public, the approach provides assurance that key elements of the project (e.g.: elimination of conflicting uses, interface with adjacent lands) are secured.

2) Eliminate the link between Zoning and Development Permit for minor development

Where a development is minor and its potential impacts less significant than those typical of larger development, and where a Development Permit is staff executed (e.g.: carriage house, two single detached houses, and duplex), the Procedures Bylaw should be changed to permit zoning to be granted final adoption without the DP. A DP will still be required in advance of Building Permit, but not as part of zoning. At zoning, some concepts will still be needed so that neighbouring land owners can understand fully the potential impacts of a particular proposal.

Undertaking the above minor adjustments to the existing practices related to Development Permits triggered at Rezoning will provide a measure of additional flexibility both to staff and to the development community, while also balancing the desire among residents to understand clearly the potential impacts of nearby development.

In the long term as the city grows and land uses intensify, instilling a high standard for the form and character of development through the use of tools such as development permits will become even more critical if the City is to achieve its objectives. Staff will continue to monitor the effectiveness of current practices to ensure that the City is equipped to address the evolving demands of growth and development.

Legal/Statutory Authority:

Local Government Act, Part 26, Division 7

Legal/Statutory Procedural Requirements:

Development Application Procedures Bylaw No. 10540.

Personnel Implications:

It is not anticipated that the recommended changes will result in any measurable change in staff resourcing.

Considerations not applicable to this report:

Internal Circulation
Existing Policy
Communications Comments
External Agency/Public Comments
Financial/Budgetary Considerations

Submitted by:

James Moore, Planner II

Approved for inclusion:



Ryan Smith, Urban Planning Manager

Attachments:

Attachment 1 - Process Overview

Attachment 2 - Application Requirements

cc:

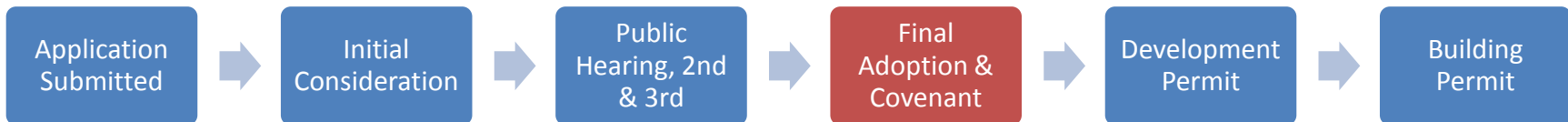
Office of the City Clerk
Policy & Planning Department
Subdivision, Agriculture & Environment Branch
Development Engineering Branch

Attachment 1 – Zoning & Development Permit (DP) Application Process Overview

CURRENT PROCESS



PROPOSED PROCESS



Attachment 2 – Zoning & Development Permit (DP) Application Requirements

CURRENT REQUIREMENTS

Application Type / Zoning Milestone	Application Submission	Initial Consideration	Public Hearing, 2 nd & 3 rd	Final Adoption & DP
Preferred*	DP drawings	DP drawings	DP drawings	DP drawings
Major	Concept Plans	Concept Plans	Concept Plans	DP drawings
Standard	Concept Plans	Concept Plans	Concept Plans	DP drawings
Minor	Concept Plans	Concept Plans	Concept Plans	DP drawings

* In the experience of staff, providing DP drawings early in the process assists in “ground truthing” a project and provides critical information necessary for servicing.

PROPOSED REQUIREMENTS

Application Type / Zoning Milestone	Application Submission	Initial Consideration	Public Hearing, 2 nd & 3 rd	Final Adoption & Covenant	Development Permit (DP)
Preferred*	DP drawings	DP drawings	DP drawings	DP drawings	n/a
Major	Concept Plans	Concept Plans	Concept Plans	Concept Plans & covenant	DP drawings
Standard	Concept Plans	Concept Plans	Concept Plans	Concept Plans & covenant	DP drawings
Minor**	Concept Plans	Concept Plans	Concept Plans	Concept Plans <i>(No covenant)</i>	DP drawings

** As proposed, minor applications would not require a Development Permit or covenant in order to get Final Adoption.