



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, September 29, 2014
Time:	1:30 pm
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson*, Mohini Singh, Luke Stack* and Gerry Zimmermann
Members Absent	Councillor Andre Blanleil
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith*; Director, Subdivision, Agriculture & Environment Services, Shelley Gambacort*; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin*; Supervisor, Urban Planning, Lindsey Ganczar*; Property Manager, John Saufferer*; Manager, Strategic Land Development, Graham Hood*; Manager, Real Estate Services, Jeff Hancock*; Manager, Policy & Planning, Danielle Noble-Brandt*; Financial Projects Manager, Garry Filafilo*; Cultural Services Manager, Sandra Kochan*; Park & Landscape Planner, Barb Davidson*; and Council Recording Secretary, Arlene McClelland

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:31 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 Zimmermann/Seconded By Councillor Basran

R670/14/09/29 THAT the Minutes of the Regular Meetings of September 15, 2014 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Paddle Centre Update

Sport & Event Development Manager, Don Backmeyer:

- Introduced Sandi Redmond

Sandi Redmond, Kelowna Paddle Centre Representative:

- Displayed a video and Power Point Presentation.
- Provided an update on activities to date and their visions for the future.
- Responded to questions from Council.

Councillor Hobson declared a conflict of interest as he has relatives living near this area and left the meeting at 1:56 p.m.

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R671/14/09/29 THAT Council receive, for information, the presentation from the Kelowna Paddle Centre, dated September 29, 2014.

Carried

Council moved Item 6.5 and considered the following item next.

6. Non-Development Reports & Related Bylaws

6.5. Non Market Lease - Kelowna Outrigger Canoe Club Association

Staff:

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

Moved By Councillor Basran/Seconded By Councillor Stack

R672/14/09/29 THAT subject to the successful rezoning of the relevant City-owned lands, Council approve the City entering into a five (5) year Lease Agreement with the Kelowna Outrigger Canoe Club Association for the lease of 3020, 3030, 3040 and 3050 Abbott Street, with the option to renew for two (2) additional two (2) year terms, in the form attached to the Report of the Manager, Property Management, dated September 29, 2014;

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

Carried

Councillor Hobson rejoined the meeting at 2:27 p.m.

4. Development Application Reports & Related Bylaws

4.1. Agricultural Land Reserve Appeal No. A14-0007 - 1185 McKenzie Road, David Sollosy & Cynthia Davis

Staff:

- Displayed a Power Point Presentation and reasons for staff non-support.
- Responded to questions from Council.

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

David Sollosy, Property Owner - 1185 McKenzie Road

- Owned the property since 1993.

- Spoke to the history of the property and the reasons for wanting to exclude the land from the ALR.
- Responded to questions from Council.

Moved By Councillor Basran/Seconded By Councillor Stack

R673/14/09/29 THAT Agricultural Land Reserve Appeal Application No. A14-0007 for Lot 1 Section 25 TWP 26 ODYD Plan 25343, located at 1185 McKenzie Road for an exclusion, pursuant to Section 30(1) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried
Mayor Gray - Opposed

4.2. Agricultural Land Reserve Appeal No. A14-0008 - 1670 DeHart Road, Jane Hatch

Staff:

- Displayed a Power Point Presentation summarizing the application.

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R674/14/09/29 THAT Agricultural Land Reserve Appeal Application No. A14-0008 for Lot B Section 5 TWP 26 ODYD Plan 32728 except Plan KAP75345, located at 1670 Dehart Road for a subdivision and non-farm use, pursuant to Section 21 (2) and Section 20 (3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

4.3. Text Amendment No. TA14-0017 - Norr Architects Planners, Bryce Tupper

Staff:

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

Moved By Councillor Hobson/Seconded By Councillor Singh

R675/14/09/29 THAT Zoning Bylaw Text Amendment No. TA14-0017 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing Schedule "B" - Comprehensive Development Zones CD18 - Vintage Landing Comprehensive Resort Development Zone with a renamed/revised CD18 - McKinley Beach Comprehensive Resort Development as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated September 29, 2014, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.3.1. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

Moved By Councillor Stack/Seconded By Councillor Given

R676/14/09/29 THAT Bylaw No. 11012 be read a first time.

Carried

4.4. Official Community Plan Amendment Application No. OCP14-0013 & Rezoning Application No. Z14-0027 - 310 & 320 Strathcona Avenue, Meiklejohn Architects

Staff:

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

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R677/14/09/29 THAT Official Community Plan Bylaw Amendment No. OCP14-0013 to amend Map 19.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 22, District Lot 14, ODYD, Plan 535 Except Plan KAP81038, located at 310 Strathcona Avenue and Lot 21, District Lot 14, ODYD, Plan 535, located at 320 Strathcona Avenue from Educational / Major Institutional to Health District, as shown on Map "A" attached to the Report of the Land Use Management Department dated September 29th, 2014, be considered by Council;

AND THAT Council considers the applicant's July 29th, 2014 Public Information Meeting as outlined in the attached summary report 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 September 29th, 2014;

AND THAT Rezoning Application No. Z14-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, District Lot 14, ODYD, Plan 535 Except Plan KAP81038, located at 310 Strathcona Avenue from RU1 - Large Lot Housing to HD2 - Hospital and Health Support Services and Lot 21, District Lot 14, ODYD, Plan 535, located at 320 Strathcona Avenue from P1 - Major Institutional to HD2 - Hospital and Health Support Services be considered by Council;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Heritage Alteration Permit on the subject properties;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties.

4.4.1. Bylaw No. 11005 (OCP14-0013) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Given

R678/14/09/29 THAT Bylaw No. 11005 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

4.4.2. Bylaw No. 11006 (Z14-0027) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Moved By Councillor Given/Seconded By Councillor Stack

R679/14/09/29 THAT Bylaw No. 11006 be read a first time.

Carried

Councillor Stack left the meeting at 3:17 p.m.

4.5. Rezoning Application No. Z13-0044 - City Parks, City of Kelowna

Staff:

- Displayed a Power Point Presentation summarizing the application.

Moved By Councillor Hobson/Seconded By Councillor Singh

R680/14/09/29 THAT Rezoning Application No. Z13-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of those parcels or portions thereof listed in Table "A" attached to the Report of the Urban Planning Department dated September 12, 2014, from the RR1 - Rural Residential 1, RR3 - Rural Residential 3, RU1 - Large Lot Housing, RU2 - Medium Lot Housing, RU2h - Medium Lot Housing (Hillside Area), RU6 - Two Dwelling Housing, RM2 - Low Density Row Housing, RM3 - Low Density Multiple Housing, RM5 - Medium Density Multiple Housing, P1 - Major Institutional, P2 - Education and Minor Institutional, I3 - Heavy Industrial, I4 - Central Industrial, and A1 - Agriculture 1 zones to the P3 - Major Park / Open Space zone, as shown on Map "B" 1 through 15 attached to the Report of the Urban Planning Department dated September 12, 2014, be considered by Council;

AND THAT the Zone Amending 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 being completed to their satisfaction.

Carried

4.5.1. Bylaw No. 11014 - Various Addresses, City of Kelowna

Moved By Councillor Given/Seconded By Councillor Zimmermann

R681/14/09/29 THAT Bylaw No. 11014 be read a first time.

Carried

4.6. Text Amendment No. TA14-0016 - Health District Amendments

Staff:

- Displayed a Power Point Presentation summarizing the application.

Moved By Councillor Hobson/Seconded By Councillor Zimmermann

R682/14/09/29 THAT Zoning Bylaw Text Amendment No. TA14-0016 to amend City of Kelowna Zoning Bylaw No. 8000, by removing definitions for Health Services,

Supportive Housing, Major and Supportive Housing, Minor in Section 2; removing the Level 2 landscape buffer and revising Table 7.1 - Minimum Landscape Buffer Treatment Levels Schedule in Section 7; revising Table 8.1 - Parking Schedule in Section 8; and amending the HD2 - Hospital and Health Support Services regulations and HD3 - Health Services Transitional regulations in Section 17, as outlined in the Report of the Policy & Planning Department dated September 16, 2014, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.6.1. Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in the City of Kelowna Zoning Bylaw No. 8000

Moved By Councillor Zimmermann/Seconded By Councillor Given

R683/14/09/29 THAT Bylaw No. 10997 be read a first time.

Carried

4.7. Text Amendment No. TA14-0018 - City of Kelowna

Staff:

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

Moved By Councillor DeHart/Seconded By Councillor Singh

R684/14/09/29 THAT Zoning Bylaw Text Amendment No. TA14-0018 to amend Section 16.1.3 of City of Kelowna Zoning Bylaw No. 8000 as outlined in the report from Urban Planning dated September 13, 2014 be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.7.1. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public and Institutional Zones

Moved By Councillor Given/Seconded By Councillor Zimmermann

R685/14/09/29 THAT Bylaw No. 11013 be read a first time.

Carried

4.8. Rezoning Application No. Z14-0030 - 519-539 Truswell Road, GTA Architecture

Staff:

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

Moved By Councillor Given/Seconded By Councillor DeHart

R686/14/09/29 THAT Rezoning Application No. Z14-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 and 2, Section 1, Township 25, ODYD, Plan 13317 and Lot 1 Section 1, Township 25, ODYD Plan KAP91725, located on 519,529 and 539 Truswell Road, Kelowna, BC from the RU1

- Large Lot Housing zone to the C9 - Tourist Commercial zone, be considered by Council;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

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 subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

4.8.1. Bylaw No. 11015 (Z14-0030) - 519, 529 and 539 Truswell Road, MKS Resources Inc.

Moved By Councillor Zimmermann/Seconded By Councillor Given

R687/14/09/29 THAT Bylaw No. 11015 be read a first time.

Carried

4.9. Rezoning Application No. Z12-0046 - 1350 St. Paul Street, Joseph Higgins

Staff:

- Displayed a Power Point Presentation summarizing the application.

Moved By Councillor Hobson/Seconded By Councillor Zimmermann

R688/14/09/29 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10757, for Lot 1, D.L. 139, ODYD, Plan KAP68461 located on 1350 St Paul Street, Kelowna, BC, be extended from October 2, 2014 to February 2, 2015;

AND THAT Council direct staff not to accept any further extension requests.

Carried

4.10. Development Permit Application No. DP14-0152 - 505 Doyle Avenue, David Roche (Bentall Kennedy)

Staff:

- Displayed a Power Point Presentation summarizing the application.

Moved By Councillor Basran/Seconded By Councillor Given

R689/14/09/29 THAT Council authorizes the issuance of Development Permit No. DP14-0152 for Lot A, District Lot 139, ODYD Plan EPP25652 located at 505 Doyle Avenue, Kelowna, BC 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
5. Requirements of the Ministry of Transportation and Infrastructure being completed to their satisfaction;

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

4.11. Official Community Plan Amendment No. OCP14-0012 and Rezoning Application No. Z14-0025 - 1650 KLO Road, Danco Developments Ltd.

4.11.1. Bylaw No. 11007 - 1650 KLO Road, Danco Developments Ltd.

Moved By Councillor Basran/Seconded By Councillor Singh

R690/14/09/29 THAT Bylaw No. 11007 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

4.11.2. Bylaw No. 11008 - 1650 KLO Road, Danco Developments Ltd.

Moved By Councillor Singh/Seconded By Councillor Basran

R691/14/09/29 THAT Bylaw No. 11008 be read a first time.

Carried

5. Bylaws for Adoption (Development Related)

5.1. Bylaw No. 10833 (TA13-0004) - Pier Mac Petroleum Installation Ltd. - 1760, 2025 and 2137 Quail Ridge Boulevard

Moved By Councillor Given/Seconded By Councillor Zimmermann

R692/14/09/29 THAT Bylaw No. 10833 be adopted.

Carried

5.2. Bylaw No. 10989 (Z14-0017) - Comfortcrafted Homes Inc. - 815 Juniper Road

Moved By Councillor Basran/Seconded By Councillor Singh

R693/14/09/29 THAT Bylaw No. 10989 be adopted.

Carried

5.3. Bylaw No. 10995 (TA14-0009) - Amendment to Zoning Bylaw No. 8000 - Boat Signage Definition

Moved By Councillor Singh/Seconded By Councillor Basran

R694/14/09/29 THAT Bylaw No. 10995 be adopted.

Carried

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

Moved By Councillor Basran/Seconded By Councillor Hobson

R695/14/09/29 THAT Bylaw No. 10856 be adopted.

Carried

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

Moved By Councillor Basran/Seconded By Councillor Hobson

R696/14/09/29 THAT Bylaw No. 10857 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1. Memorandum of Understanding - Grant for French Library Material

Moved By Councillor Zimmermann/Seconded By Councillor Given

R697/14/09/29 THAT Council Approve the City entering into the Memorandum of Understanding with the Province of British Columbia, Intergovernmental Relations Secretariat, Francophone Affairs Program (FAP) on behalf of the Okanagan Regional Library in the form attached to this Report dated September 15, 2014;

AND THAT Council authorizes the Financial Services Director to execute the Memorandum.

Carried

6.2. Overview of 2015 Arts, Culture & Heritage Grants

Moved By Councillor Hobson/Seconded By Councillor Singh

R698/14/09/29 THAT Council receives, for information, the overview of the Arts, Culture & Heritage Operating Grants, the Arts, Culture & Heritage Project Grants and the Community Public Art Grants for 2015 as contained in the report dated September 29, 2014 from the Cultural Services Manager;

AND THAT Council approves the guidelines for the 2015 Arts, Culture & Heritage Operating Grants, the 2015 Arts, Culture & Heritage Project Grants and the 2015 Community Public Art Grants as recommended in the report dated September 29, 2014 from the Cultural Services Manager;

AND FURTHER THAT Council directs staff to provide, for information, a list of the 2015 recipients in each grant program, as well as a summary of achievements, benefits and impact arising from grants awarded in these programs in 2014.

Carried

6.3. Gillard Mountain Biking Trail Network

Moved By Councillor Zimmerman/Seconded By Councillor Basran

R699/14/09/29 THAT Council receives for information, the report from the Park Planner dated September 19, 2014 with respect to the Gillard Mountain Biking Trail network;

AND THAT the Mayor is authorized to send a letter to the Provincial Minister of Forests, Lands and Natural Resource Operations in support of the Mountain Bikers of the Central Okanagan's Section 57 Application to legalize the Gillard Mountain Biking Trail network.

Carried

6.4. Fortune Marketing Lease

Staff:

- Displayed a Power Point Presentation summarizing the commercial lease details.

Moved By Councillor Singh/Seconded By Councillor DeHart

R700/14/09/29 THAT Council approve the City entering into a five (5) year commercial lease with Fortune Marketing Inc., with the option to renew for an additional five (5) year term, in the form attached as Schedule A to the Report of the Manager, Property Management, dated September 29, 2014;

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

Carried

Item 6.5 was moved forward to follow Item 3.1

6.6. Proposed Road Closure - Portion of Lane Adjacent to 551 Glenwood Avenue

Moved By Councillor Basran/Seconded By Councillor Hobson

R701/14/09/29 THAT Council receives the Report from the Manager, Real Estate Services dated September 29, 2014, recommending that Council adopt the proposed closure of a portion of lane adjacent to 551 Glenwood Avenue;

AND THAT Bylaw No. 10798, being proposed closure of a portion of lane adjacent to 551 Glenwood Avenue, be given reading consideration.

Carried

6.6.1. Bylaw No. 10798 - Road Closure Bylaw - Portions of Lane adjacent to 551 Glenwood Avenue

Moved By Councillor Basran/Seconded By Councillor Hobson

R702/14/09/29 THAT Bylaw No. 10798 be read a first, second and third time.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1. Bylaw No. 10932 - Road Closure Bylaw and Removal of Highway Dedication Bylaw - Portion of Laneway between St. Paul and Richter Streets

Moved By Councillor Hobson/Seconded By Councillor Basran

R703/14/09/29 THAT Bylaw No. 10932 be adopted.

Carried

8. Mayor and Councillor Items

Councillor Given:

- Spoke to her attendance at last week's UBCM Convention.

Councillor DeHart:

- Spoke to her attendance at last week's UBCM Convention.

Councillor Basran:

- Spoke to his attendance at the 25th Anniversary of Society of Hope celebrations.
- Acknowledged the new left hand turn signals being installed at three major intersections along Highway 97.

Councillor Hobson:

- Spoke to his attendance at last week's UBCM Convention.
- Referred to his earlier press release confirming his retirement from Municipal politics and his intentions to not run in the upcoming Municipal election.

Mayor Gray:

- Spoke to his attendance at last week's UBCM Convention and the City of Kelowna receiving a 2014 "Open for Business Award" for the second year running.

9. Termination

This meeting was declared terminated at 4:22 p.m.

Mayor

/acm

City Clerk