



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, December 15, 2014  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham\*; Urban Planning Manager, Ryan Smith\*; Urban Planning Supervisor, Lindsey Ganczar\*; Manager, Subdivision, Agriculture & Environment, Todd Cashin\*; Property Manager, John Saufferer\*; Planner Specialist, Pat McCormick\*; and Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

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

Mayor Basran 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 Sieben/Seconded By Councillor Donn

**R900/14/12/15** THAT the Minutes of the Regular Meetings of December 8, 2014 be confirmed as circulated.

**Carried**

### 3. Committee Reports

#### 3.1. External Committee Appointments

Moved By Councillor DeHart/Seconded By Councillor Singh

**R901/14/12/15** THAT Council appoints Councillor Hodge as Council representative to the Central Okanagan Committee for Safe Schools for the 2014-2018 term;

AND THAT Council appoints Councillor DeHart as Council representative to the Citizen of the Year/Civic Awards Committee;

AND THAT Council appoints Councillor Donn as Council representative to the City of Vernon Biosolids Advisory Committee;

AND THAT Council appoints Councillor DeHart as Council representative to the Downtown Kelowna Association, with Councillor Hodge as the alternate for the 2014-2018 term;

AND THAT Council appoints Councillor Sieben as Council representative to the Economic Development Commission, with Councillor Gray as the alternate for the 2014-2018 term;

AND THAT Council appoints Councillor Donn as Council representative to the Kasugai Sister City Association for the 2014-2018 term;

AND THAT Council appoints Councillor Gray as Council representative to the Kelowna Chamber of Commerce, with Councillor DeHart as the alternate for the 2014-2018 term;

AND THAT Council appoints Mayor Basran as Council representative to the Kelowna Joint Water Committee, with Councillor Given as the alternate for the 2014-2018 term;

AND THAT Council appoints Councillor Gray as Council representative to the Okanagan Regional Library District, with Councillor Given as the alternate for the 2014-2018 term;

AND THAT Council appoints Mayor Basran as Council representative to the Southern Interior Local Government Association, with Councillor Hodge as the alternate for the 2014-2018 term;

AND THAT Council appoints Councillor Given as Council representative to the Tourism Kelowna Committee, with Councillor Donn as the alternate for the 2014-2018 term;

AND THAT Council appoints Mayor Basran as Council representative to the UBC Okanagan External Community Advisory Council for the 2014-2018 term;

AND THAT Council appoints Councillor Sieben as Council representative to the Uptown Rutland Business Association, with Councillor Gray as the alternate for the 2014-2018 term;

AND FURTHER THAT Council appoints Councillor Hodge as Council representative to the Veendam Sister City Society for the 2014-2018 term.

Carried

### 3.2. Council Committee Appointments

Moved By Councillor Sieben/Seconded By Councillor DeHart

R902/14/12/15 THAT Council appoints the Airport Advisory Committee as a committee of Council for the 2014-2018 term;

AND THAT Council appoints Councillor Stack as Councillor representative to the Airport Advisory Committee for the 2014-2018 term;

AND THAT Council directs staff to report back with an updated 2014-2018 Terms of Reference for the Airport Advisory Committee;

AND THAT Council appoints the Audit Committee as a committee of Council for the 2014-2018 term;

AND THAT Council appoints Mayor Basran, Councillor Given and Councillor Stack as Council representatives to the Audit Committee for the 2014-2018 term;

AND THAT Council directs staff to report back with an updated 2014-2018 Terms of Reference for the Audit Committee;

AND THAT Council appoints the Parcel Tax Roll Review Panel as a committee of Council for the 2014-2018 term;

AND FURTHER THAT Council appoints Councillor Hodge, Councillor DeHart and Councillor Singh as Council representative to the Parcel Tax Roll Review for the 2014-2018 term.

Carried

#### 4. Development Application Reports & Related Bylaws

##### 4.1. Agricultural Land Reserve Appeal Application No. A14-0010 - 1301 Glenmore Road North, Kelowna Pet Resort Ltd.

Item 4.1 Withdrawn and rescheduled to January 12, 2015 PM Council Meeting.

##### 4.2. Agricultural Land Reserve Appeal Application No. A14-0005 - 1590 Pioneer Road, 11.2 Acre Holding Co. Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Bob Holtby, Agrologist, Applicant Representative

- Performed a lab analysis on the fill material and found the fill material will enhance the value of this land and will provide more sand which will allow for better drainage.
- Examined the site and stated that placing fill for pasture is an accepted farm practice protected under the Right to Farm Act.
- Displayed a photo of the property taken on December 11, 2014 and noted a great deal of effort to provide land clearing. There was also no evidence of water drainage on neighbouring properties.
- Responded to questions from Council.

Moved By Councillor Hodge/

R/14/12/15 THAT Council support staff's Alternate Recommendation.

- Motion failed due to lack of a seconder.

Moved By Councillor Singh/Seconded By Councillor Donn

R903/14/12/15 THAT Agricultural Land Reserve Appeal Application No. A14-0005 for Lot A, Section 8, TWP 26, ODYD Plan KAP60919 Except Plan KAP60920, located at 1590 Pioneer Road for Non-farm Use, pursuant to Section 20(3) 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  
Councillor Hodge - Opposed

**4.3. Rezoning Application No. Z14-0043 & Land Use Contract Application No. LUC14-0001 - 1020 Sutcliffe Court, 1009440 BC Ltd.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R904/14/12/15 THAT Application No. LUC14-0001 to discharge LUC 76-1043 from Lot 2, Section 25, Township 26, ODYD, Plan 31812, located on 1020 Sutcliffe Court, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z14-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 25, Township 26, ODYD, Plan 31812, located on 1020 Sutcliffe Court, Kelowna, BC, from the RR3 - Rural Residential 3 zone to the RU1 - Large Lot Housing zone, as shown on Map "A" attached to the Report of the Urban Planning Department dated December 8, 2014, be considered by Council;

AND THAT the Land Use Contract Discharge and 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 issuance of a Preliminary Layout Review Letter by the Approving Officer;

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;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the discharge of the Land Use Contract.

Carried

**4.3.1. Bylaw No. 11043 (LUC14-0001) - 1020 Sutcliffe Court, 1009440 BC Ltd.**

Moved By Councillor Hodge/Seconded By Councillor Donn

R905/14/12/15 THAT Bylaw No. 11043 be read a first time.

Carried

**4.3.2. Bylaw No. 11044 (Z14-0043) - 1020 Sutcliffe Court, 1009440 BC Ltd.**

Moved By Councillor Hodge/Seconded By Councillor Donn

R906/14/12/15 THAT Bylaw No. 11044 be read a first time.

Carried

**4.4. Rezoning Application No. Z14-0040 - 4065 Lakeshore Road, City of Kelowna**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R907/14/12/15 THAT Rezoning Application No. Z14-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of That Part of the Fractional South West 1/4 of Section 6 Included in Plan Attached to D.D. 190710F; Township 26, ODYD, located on 4065 Lakeshore Road, Kelowna, BC from the P1 - Major Institutional zone to the P3 - Parks and Open Space and RU2 - Medium Lot Housing zones, as shown on Map "A" attached to the Report of the Urban Planning Department dated November 26, 2014, 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 subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried

4.4.1. Bylaw No. 11042 (Z14-0040) - 4065 Lakeshore Road, City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Donn

R908/14/12/15 THAT Bylaw No. 11042 be read a first time.

Carried

4.5. Rezoning Application No. Z14-0046 - 822 McCurdy Place, Hyatt Auto Sales Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R909/14/12/15 THAT Rezoning Application No. Z14-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 22, District Lot 124, ODYD, Strata Plan KAS3323 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on 822 McCurdy Place, Kelowna, BC from the I1 - Business Industrial zone to the I2 - General Industrial zone as shown on Map "A" attached to the Report of the Urban Planning Department dated November 26, 2014, be considered by Council;

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

Carried

4.5.1. Bylaw No. 11040 (Z14-0046) - 822 McCurdy Place, Hyatt Auto Sales Ltd.

Moved By Councillor Hodge/Seconded By Councillor Donn

R910/14/12/15 THAT Bylaw No. 11040 be read a first time.

Carried

4.6. Rezoning Application No. Z14-0045 - 828, 834, 871 & 877 McCurdy Place, Harmony Holdings Limited

Staff:

- Displayed a map of the properties at McCurdy Place and responded to questions from Council.

Moved By Councillor Gray/Seconded By Councillor Hodge

**R911/14/12/15** THAT Rezoning Application No. Z14-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 24, 26, 27, and 29, District Lot 124, ODYD, Strata Plan KAS3323 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V located on 828, 834, 871 and 877 McCurdy Place, Kelowna, BC from the I1 - Business Industrial zone to the I2 - General Industrial zone as shown on Map "A" attached to the Report of the Urban Planning Department dated November 26, 2014, be considered by Council;

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

Carried

**4.6.1. Bylaw No. 11039 (Z14-0045) - 828, 834, 871 & 877 McCurdy Place, Harmony Holdings Limited**

Moved By Councillor Singh/Seconded By Councillor Stack

**R912/14/12/15** THAT Bylaw No. 11039 be read a first time.

Carried

**4.7. Rezoning Application No. Z14-0042 - 2210 Abbott Street, Strandhaus Developments Inc.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor DeHart

**R913/14/12/15** THAT Rezoning Application No. Z14-0042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 27, District Lot 14, ODYD, Plan 535, located on 2210 Abbott Street, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone, as shown on Map "A" attached to the Report of the Urban Planning Department dated December 3, 2014, 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 Heritage Alteration Permit for the subject property;

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

**4.7.1. Bylaw No. 11045 (Z14-0042) - 2210 Abbott Street, Strandhaus Developments Inc.**

Moved By Councillor Singh/Seconded By Councillor Stack

R914/14/12/15 THAT Bylaw No. 11045 be read a first time.

Carried

4.8. Bylaw No. 10757 (Z12-0046) - 1350 St. Paul Street, 564913 BC Ltd.

Moved By Councillor DeHart/Seconded By Councillor Singh

R915/14/12/15 THAT Bylaw No. 10757 be adopted.

Carried

4.9. Bylaw No. 10979 (Z14-0019) - 260 Ponto Road, Alexander Ryan Tull

Moved By Councillor Sieben/Seconded By Councillor Singh

R916/14/12/15 THAT Bylaw No. 10979 be adopted.

Carried

4.8.1. Development Permit Application No. DP14-0169 - 1350 St. Paul Street, 564913 BC Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R918/14/12/15 THAT final adoption of Zone Amending Bylaw No. 10757 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP14-0169 for Lot 1, District Lot 139, ODYD, Plan KAP68461 located on 1350 St. Paul Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the parking lot to be constructed on the land be in general accordance with Schedule "A";
2. Landscaping to be provided on the land be in general accordance with Schedule "C";
3. 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 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

4.9.1. Development Permit Application No. DP14-0084 - 260 Ponto Road, Alexander Ryan Tull

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

**R919/14/12/15** THAT Council authorize the issuance of DP14-0084 on Lot 17, Section 26, Township 26, ODYD, Plan 4414 located on 260 Ponto Road, 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 FUTHER 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

#### 4.10. Rezoning Application No. Z11-0018 - 1500 Friesen Road, Gwynne Johnson

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Singh

**R920/14/12/15** THAT Council receives, for information, the report from the Community Planning & Real Estate Division, dated November 28, 2014 with respect to Rezoning Bylaw Application 10536 (Z11-0018 - Gwynne Johnson - 1500 Friesen Road - Lot14 Section 35 Township 26 ODYD Plan 18660);

THAT Bylaw No. 10536 be forwarded for rescindment consideration and Staff be directed to close the related files.

Carried

#### 4.10.1. Bylaw No. 10536 (Z11-0018) - 1500 Friesen Road, Gwynne Johnson

Moved By Councillor Given/Seconded By Councillor Hodge

**R917/14/12/15** THAT Bylaw No. 10536 be rescinded;

AND THAT the file be closed.

Carried

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

#### 5.1. Lease - 1014 Glenmore Road

Staff:

- Displayed a PowerPoint presentation summarizing the lease agreement for 1014 Glenmore Road.



Moved By Councillor Donn/Seconded By Councillor DeHart

**R921/14/12/15** THAT Council approve the City entering into a two (2) year Lease Agreement with Glenmore Store Limited for office space at 1014 Glenmore Road, with the option to renew for an additional one (1) year term (for a total potential lease period of three years), in the form attached to the Report of the Manager, Property Management, dated December 15, 2014;

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

AND THAT all costs associated with the Lease Agreement be charged to the Property Management Leased Building (General) Budget;

AND FURTHER THAT the 2015 and 2016 Financial Plan be amended accordingly.

**Carried**

**5.2. Sublease of 346 Lawrence Avenue, Southern Interior Development Initiative Trust**

Staff:

- Displayed a PowerPoint presentation summarizing the Sublease for 346 Lawrence Avenue and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Gray

**R922/14/12/15** THAT Council approves the City entering into a one (1) year Sublease Agreement, with Southern Interior Development Initiative Trust, for office use, with the option to renew for an additional one (1) year term, in the form attached to the Report of the Property Manager, dated December 15, 2014;

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

**Carried**

**5.3. Partnership for the Provision of Public Art**

Staff:

- Displayed a PowerPoint presentation summarizing the public art project and funding partnership with Davara Holdings Ltd. and responded to questions from Council.

Council:

- Raised questions regarding local artist preferences.

Staff:

- Confirmed there are legal constraints on the City's ability to favour local artists.

Moved By Councillor Singh/Seconded By Councillor Sieben

**R923/14/12/15** THAT Council approves the City of Kelowna entering into a Public Art Financial Contribution Agreement with Davara Holdings Ltd. for a public art installation at 550 Rowcliffe Avenue/555 Buckland Avenue in the form attached to the Report of the Planner Specialist, Urban Design dated December 10, 2014;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the Agreement.

**Carried**

#### 5.4. 2014 Election Results Report

Staff:

- Summarized the 2014 Election Results and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R924/14/12/15 THAT Council receives, for information, the Report from the Deputy City Clerk dated December 10, 2014 with respect to the 2014 Election Results.

Carried

#### 6. Mayor and Councillor Items

Councillors:

- Gave season greetings to the public, staff and their fellow Council members.

Councillor Gray:

- Spoke to the success of the recent fundraiser for Kate Roswell.

Councillor Singh:

- Congratulated Councillor Stack on the completion of the Pleasantvale Homes Project.

Councillor DeHart:

- Spoke to the success of the recent fundraiser for Kate Roswell.

Councillor Stack:

- Spoke to his attendance, along with the Mayor, at the Opera Kelowna Event held on Saturday, December 13<sup>th</sup>.

Mayor Basran:

- Reminded Council on the Hanukkah Celebrations happening Saturday, December 20<sup>th</sup>.

#### 7. Termination

This meeting was declared terminated at 3:26 p.m.

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Mayor

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City Clerk

/acm