



City of Kelowna Regular Council Meeting Minutes

Date: Monday, January 12, 2015
 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; Manager, Subdivision, Agriculture & Environment, Todd Cashin*; Urban Planning Manager, Ryan Smith*; Urban Planning Supervisor, Lindsey Ganczar*; Financial Services Director, Genelle Davidson*; Capital Assets & Investments Manager, Joel Shaw*; Director of Corporate Business Ventures, John Vos*; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:36 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 Stack/Seconded By Councillor Singh

R003/15/01/12 THAT the Minutes of the Regular Meetings of December 15, 2014 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Agricultural Land Reserve Appeal Application No. A14-0011 - 499 Valley Road North, Jane & Anthony Reschke, Deanna Sills, Gregory & Jennifer Reschke

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.

Greg Reschke, Applicant:

- Family purchased the property 40 years ago.
- Planted hayfield for the past 10 to 15 years but that venture is no longer economically viable.
- Cherry Orchard and nut trees currently on the land. Viable farm land will not change with the decision made today.
- This is not a non conforming use but rather a compatible use. A tree service company working in an Orchard to be considered a non compatible use is confusing.
- The storage yard is not going away and if we are forced to sever association with Cody Tree Service there will be an important revenue stream lost.
- Spoke of charities both parties donate to in order to give back to the community.
- Appeal to Council to support application to the ALC.
- Responded to questions of Council.

Jeff Judson, 535 Milton Road, Owner of Cody Tree Service

- The economic impact on my company would be great if I have to relocate the company vehicles from this location.
- Believes this is a compatible business on farm land.
- This is a complaint based situation and I don't want to have to make complaints on others in similar situations.
- Responded to questions of Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

R004/15/01/12 THAT Agricultural Land Reserve Appeal Application No. A14-0011 for *Lot 3 Block 16 Section 3 TWP 23 ODYD Plan 1068*, located at *499 Valley Road* for a 'Non-Farm use' to allow 0.101 ha (0.25 acres) of the property to be leased to a tree service company, 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

**3.2 Agricultural Land Reserve Appeal Application No. A14-0010 - 1301
Glenmore Road North, Kelowna Pet Resort 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.

Chad Clark, Applicant/Owner, 2100 Dewdney Road and Facility Manager, 1301 Glenmore Road

- Displayed a PowerPoint presentation summarizing the application.
- Currently operate a Kennel of 20 dogs and 25 cats.
- Took possession of the property on September 2, 2014 and working with the facility manager as a family venture.
- Previous owners rented out the trailer to various tenants and none of those tenants worked on the property. Was not told by anyone that the trailer was an issue. Became aware that there was an issue through the Building Permit stage.

- The mobile home is an older building but not an eye sore and has been there up to 25 years
- The tenant of the trailer vacated October 1, 2014.
- Currently, 5 ½ acres of the 8 acres is being farmed. Want to pursue farming activities but unsure of what that will be at this time. The land will be used as hay land until a decision is made on what to replant.
- Willing to work with the City.
- Responded to questions of Council.

Moved By Councillor Given/Seconded By Councillor Singh

R005/15/01/12 THAT Agricultural Land Reserve Appeal Application No. A14-0010 for *Lot 3 Block 10 Sections 9 and 16 TWP 23 ODYD Plan 1068*, located at *1301 Glenmore Road* for a 'Non-farm use', to allow a mobile home as a 'Carriage House', pursuant to 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.

DEFEATED

Mayor Basran, Councillors Stack, Sieben, Hodge, DeHart - Opposed

Moved By Councillor Stack/Seconded By Councillor Sieben

R006/15/01/12 THAT Agricultural Land Reserve Appeal Application No. A14-0010 for *Lot 3 Block 10 Sections 9 and 16 TWP 23 ODYD Plan 1068*, located at *1301 Glenmore Road* for a 'Non-farm use', to allow a mobile home as a 'Carriage House', 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

Councillors Given, Donn, Gray, Singh - Opposed

3.3 Rezoning Application No. Z14-0055 - 650-652 Wardlaw, Laren & Janette Desaultels

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Gray

R007/15/01/12 THAT Rezoning Application No. Z14-0055 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 & 2, District Lot 14, ODYD, Strata Plan KAS3613 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 650-652 Wardlaw Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone be considered by Council;

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

AND THAT a section 219 covenant be registered on title stating that the land and any buildings shall not be used or occupied until such time as an occupancy permit can be issued by the city and that the occupancy permit must be obtained by the owner no later than 120 days after the issuance of the Building Permit. Further, that the covenant require the owner to submit a building permit no later than 30 days after the date of adoption of the rezoning bylaw.

Carried

3.3.1 Bylaw No. 11049 (Z14-0055) - 650-652 Wardlaw Avenue, Loren & Janette Desautels

Moved By Councillor DeHart/Seconded By Councillor Stack

R008/15/01/12 THAT Bylaw No. 11049 be read a first time.

Carried

3.4 Text Amendment Application No. TA14-0013 - Various Addresses, Kettle Valley Development Ltd.

Moved By Councillor Given/Seconded By Councillor Sieben

R009/15/01/12 THAT Zoning Bylaw Text Amendment No. TA13-0013 to amend Section 18, Schedule B CD2 - Kettle Valley Comprehensive Residential Development Zone of City of Kelowna Zoning Bylaw No. 8000 as outlined in the report from Urban Planning dated December 8, 2014 be considered by Council;

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

AND THAT final adoption of the Text Amendment Bylaw be considered subsequent to the review and approval of the Ministry of Transportation and Infrastructure.

Carried

3.4.1 Bylaw No. 11046 (TA14-0013) - CD2 - Kettle Valley Comprehensive Residential Development Zone

Moved By Councillor Singh/Seconded By Councillor Sieben

R010/15/01/12 THAT Bylaw No. 11046 be read a first time.

Carried

3.5 Text Amendment Application No. TA14-0015, Supplemental Report - 1975 Union Road, 657139 BC Ltd.

Councillor Stack declared a conflict of interest as his employer, The Society of Hope, owns property adjacent to the subject property and left the meeting at 3:28 p.m.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R011/15/01/12 THAT Council receives, for information, the Supplemental Report from the Urban Planning Department dated December 8, 2014 with respect to Text Amendment Application No. TA14-0015;

AND THAT Council rescinds second and third reading given to Bylaw No. 10996;

AND THAT Council directs staff to amend Bylaw No. 10996 at first reading to delete "Service Stations, Minor" and replace it with "Rapid Drive-Through Vehicle Services" as a Principal Use for one explicit legal parcel within the C5 - Transition Commercial zone;

AND THAT Text Amendment Bylaw No. 10996, as amended, be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Text Amendment Bylaw be considered subsequent to the requirements of the Real Estate Department;

AND FURTHER THAT final adoption of the Text Amendment Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

Carried

3.5.1 Bylaw No. 10996 (TA14-0015) - 1975 Union Road, Amendment to C5 - Transition Commercial Zone

Moved By Councillor Donn/Seconded By Councillor Given

R012/15/01/12 THAT second and third readings of Bylaw No. 10996 be rescinded.

Carried

Moved By Councillor Donn/Seconded By Councillor Given

R013/15/01/12 THAT Bylaw No. 10996 be amended at first reading to replace "Service Station, Minor" with "Rapid Drive Through Vehicle Services".

Carried

Councillor Stack rejoined the meeting at 3:35 p.m.

3.6 Rezoning Application No. Z11-0083, Extension Request - 1429 KLO Road, Arnold & Melitta Frank

Moved By Councillor Given/Seconded By Councillor DeHart

R014/15/01/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10782, for Lot 52, D.L. 131, ODYD, Plan 186 except Plan KAP78326 located on 1429 KLO Road, Kelowna, BC, to be extended from December 11, 2014 to December 11, 2015;

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

Carried

3.7 Rezoning Application No. Z12-0047, Extension Request - 875 & 885 Mayfair Road, Onkar & Ranjit Dhillon

Moved By Councillor Hodge/Seconded By Councillor Stack

R015/15/01/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10768 for Lot 4 District Lot 143 ODYD Plan 22026 located on 875 Mayfair Road and Lot 3 District Lot 143 ODYD Plan 22026 located on 885 Mayfair Road, be extended from November 13, 2014 to November 13, 2015;

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

Carried

4. Bylaws for Adoption (Development Related)

Councillor Sieben declared a conflict of interest as a family member is the Applicant and departed the meeting at 3:38 p.m.

- 4.1 Bylaw No. 11026 (TA14-0019) - Breweries and Distilleries, Minor in C3, C6 and C10 Zones

Moved By Councillor Donn/Seconded By Councillor Given

R016/15/01/12 THAT Bylaw No. 11026 be adopted.

Carried

- 4.2 Bylaw No. 11031 (OCP14-0015) - 1501 & 1511 Tower Ranch Drive and 2160 Tower Ranch Boulevard, Parkbridge Lifestyle Communities Inc., City of Kelowna & 0977415 BC Ltd.

Moved By Councillor Given/Seconded By Councillor Donn

R017/15/01/12 THAT Bylaw No. 11031 be adopted.

Carried

Councillor Sieben rejoined the meeting at 3:41 p.m.

- 4.3 Rezoning Application No. Z10-0028 - 1020 Graham Road, Lyall Watson Grexton

Moved By Councillor Stack/Seconded By Councillor DeHart

R018/15/01/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10551 (Z10-0028), Lot 43, Section 22, Township 26, ODYD, Plan 28367 located at 1020 Graham Road, Kelowna, BC be extended from July 11, 2014 to July 11, 2015;

AND THAT Council waives the requirement for a Development Variance Permit to be considered in conjunction with final adoption of Zone Amending Bylaw No. 10551;

AND FURTHER THAT Zone Amending Bylaw No. 10551 be forwarded for adoption consideration.

Carried

- 4.3.1 Bylaw No. 10551 (Z10-0028) - 1020 Graham Road, Lyall Watson Grexton

Moved By Councillor Stack/Seconded By Councillor DeHart

R019/15/01/12 THAT Bylaw No. 10551 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

- 5.1 2015 Financial Plan

Staff:

- Displayed a PowerPoint presentation summarizing the proposed budget increases and reductions.
- Responded to questions from Council.

5.2 South Perimeter Road - Results of Public Engagement

Staff:

- Displayed a PowerPoint presentation summarizing the project and results of the public engagement.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R020/15/01/12 THAT Council receives for information the report of the Director of Corporate Business Ventures dated January 6, 2015 with respect to South Perimeter Rd, Results of Public Engagement;

AND THAT Council supports the accelerated design and construction of South Perimeter Rd on the basis of the results of the community input;

AND THAT Council direct staff to work with the developers leading to fulfilling all conditions required to allow accelerated delivery of this roadway;

AND FURTHER THAT Council direct staff, subject to the developers fulfilling all conditions leading to design and construction of South Perimeter Rd, to bring forward 2015 final budget submissions for the design and land acquisition leading to improvements to Stewart Rd West, Saucier Rd, and Bedford Rd.

Carried

Mayor Basran temporarily left the meeting at 4:48 p.m. with Deputy Mayor Given now presiding.

Mayor Basran returned to the meeting and resumed the Chair at 4:50 p.m.

6. Mayor and Councillor Items

City Manager:

- With respect to a question that arose from Item 5.1 it was confirmed that the BCAA Assessment Authority additional assessment monies are recommended to go into a reserve.

Councillor Given:

- Made comment on the City's snow removal efforts.

Councillor Donn:

- Made comment on the City's snow removal efforts including the Snow Busters Program.

Councillor Gray:

- Made comment on the City's snow removal efforts.

Councillor Sieben:

- Made comment on his attendance, on behalf of Council, at the Elite Midget Hockey Tournament.

Councillor DeHart:

- Made comment on the City's snow removal efforts.

Mayor Basran:

- Provided congratulations to those members of the Kelowna Rockets who brought back a gold medal from the 2015 World Junior Ice Hockey Championships.

City Manager:

- Made comment on the City's snow removal efforts and confirmed that a report from staff will be placed on a future public meeting.
- Further to Council's discussions during the ALR items, confirmed that a report from staff will be placed on a future Council agenda regarding industrial uses on agriculture lands.

7. Termination

This meeting was declared terminated at 5:09 p.m.

Mayor

/acm

City Clerk