



City of Kelowna
Regular Council Meeting
Minutes

Date: Monday, September 12, 2016
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, Mohini Singh* and Luke Stack

Council Members Absent: Councillor Brad Sieben

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Suburban & Rural Planning Manager, Todd Cashin*; Planner, Adam Cseke*; and Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 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 and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

R657/16/09/12 THAT the Minutes of the PM Meeting of August 29, 2016 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 3150 & 3170 Sexsmith Road, OCP15-0017 & Z15-0054 - John & Kimberly Berg and Shanny & Marlin Toews

Mayor Basran advised that this application was withdrawn at the Applicants' request.

3.2 760 Mitchell Road, Z16-0015 - Terence Dewar

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor DeHart

R658/16/09/12 THAT Rezoning Application No. Z16-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department date June 13, 2016;

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

Carried

3.3 760 Mitchell Road, BL11284 (Z16-0015) - Terrance Dewar

Moved By Councillor Gray/Seconded By Councillor Donn

R659/16/09/12 THAT Bylaw No. 11284 be read a first time.

Carried

3.4 1960 Paly Road, LUC16-0003 - Krista Eve Almeida & Stephen Glegg

Councillor Singh declared a conflict of interest as her property backs onto the subject property and left the meeting at 1:39 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Hodge

R660/16/09/12 THAT Application No. LUC16-0003 to discharge LUC 78-1024 from Lot 17, Section 17, Township 23, ODYD, District Plan 31701, located on 1960 Paly Road, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration.

Carried

3.5 1960 Paly Road, BL11285 (LUC16-0003) - Discharge of Land Use Contract LUC78-1034 (M27805) - Krista Eve Almeida & Stephen Glegg

Moved By Councillor Donn/Seconded By Councillor Given

R661/16/09/12 THAT Bylaw No. 11285 be read a first time.

Carried

Councillor Singh rejoined the meeting at 1:41 p.m.

3.6 1787 Mountain Avenue, Z16-0004 - Janice & William Henry

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Gray

R662/16/09/12 THAT Rezoning Application No. Z15-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 29 Township 26 IDYD Plan EPP62461, located at 1987 Mountain Avenue, Kelowna, BC from RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered.

Carried

3.7 1787 Mountain Avenue, BL11284 (Z16-0004) - Janice & William Henry

Moved By Councillor Donn/Seconded By Councillor Given

R663/16/09/12 THAT Bylaw No. 11282 be read a first time.

Carried

3.8 700 McCurdy Road, Z16-0025 - Silver City Holdings Inc.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Given

R664/16/09/12 THAT Rezoning Application No. Z15-0000 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 143, ODYD, Plan 23765, located at 700 McCurdy Road, Kelowna, BC from the A1 - Agriculture 1 zone to the I2 - General Industrial zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated July 18, 2016;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the lot consolidation of the subject properties; Lot A DL 143 ODYD Plan 23765 located at 700 McCurdy Road, Kelowna BC; and Lot 1 Section 26 Township 26 and of DL 143 ODYD Plan KAP55507, located at 690 McCurdy Road, Kelowna BC; as indicated in Schedule "B" attached to the Report from the Community Planning Department.

Carried

3.9 700 McCurdy Road, BL11283 (Z16-0025) - Silver City Holdings Inc.

Moved By Councillor Donn/Seconded By Councillor Given

R665/16/09/12 THAT Bylaw No. 11283 be read a first time.

Carried

3.10 3441, 3451, 3461, & 3471 Lakeshore Road, Z16-0040 & OCP16-0007 - 0984342 BC Ltd. & City of Kelowna

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Given

R666/16/09/12 THAT Official Community Plan (OCP) Amendment Application No. OCP16-0007 to amend the City of Kelowna's Official Community Plan Bylaw No. 1050 by changing the OCP's land use designation of Lot 36, District Lot 134, ODYD, Plan 3886, located on 3471 Lakeshore Rd, Kelowna, BC, from the S2RES - Single / Two Unit Residential designation to the MXR - Mixed Use (Residential / Commercial) designation be considered by Council;

AND THAT Rezoning Application No. Z16-0040 to amend the City of Kelowna's Zoning Bylaw No. 8000 by changing the zoning classification of the following lots be considered by Council:

1. Lot 36, District Lot 134, ODYD, Plan 3886, located on 3471 Lakeshore Rd, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone;
2. Lot 37, District Lot 134, ODYD, Plan 3886, except Plan 40525 located on 3461 Lakeshore Rd, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone;
3. Lot 38, District Lot 134, ODYD, Plan 3886, except Plan 40525 located on 3461 Lakeshore Rd, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone;
4. Lot 39, District Lot 134, ODYD, Plan 3886, except Plan 76671 located on 3451 Lakeshore Rd, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone;
5. Lot 3, District Lot 134, ODYD, Plan 38150, located on 3441 Lakeshore Rd, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone;

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

AND THAT final adoption of the Official Community Plan and Zone Amending Bylaw be subsequent to the following:

- a) The outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated August 15th 2016.

Carried

3.11 3441, 3451, 3461 & 3471 Lakeshore Road, BL11280 (OCP16-0007) - 0984342 BC Ltd.

Moved By Councillor Hodge/Seconded By Councillor Gray

R667/16/09/12 THAT Bylaw No. 11280 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

3.12 3441, 3451, 3461 & 3471 Lakeshore Road, BL11281 (Z16-0040) - 0984342 BC Ltd. & City of Kelowna

Moved By Councillor Gray/Seconded By Councillor Hodge

R668/16/09/12 THAT Bylaw No. 11281 be read a first time.

Carried

3.13 720 Valley Road, Z16-0046 - Valley Land Subdivision Ltd.

Staff:

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

Moved By Councillor Gray/Seconded By Councillor Singh

R669/16/09/12 THAT Official Community Plan Map Amendment Application No. OCP16-0010 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720 Valley Road, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MRL - Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report from the Community Planning Department dated September 12, 2016 be considered by Council;

AND THAT Rezoning Application No. Z15-0000 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720 Valley Road, Kelowna, BC from the A1 - Agricultural zone to the CD27 - Comprehensive Development Zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA16-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated September 12, 2016 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Community Planning Department dated September 12, 2016;

AND THAT the OCP Amending Bylaw, Rezoning Bylaw and Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated September 16, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Master Development Permit for the subject property;

AND THAT Council authorizes staff to release the Housing Agreements registered on title under numbers KN110164 and KN111083;

AND THAT Council consider a Bylaw which would authorize the City of Kelowna to repeal Bylaw No. 8477 being Housing Agreement Authorization Bylaw Marona Estates Ltd, and all amendments thereto, for Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061;

AND FURTHER THAT the repeal of Bylaw No. 8477, being Housing Agreement Authorization, be forwarded for reading consideration.

Carried

3.14 720 Valley Road, BL11276 (OCP16-0010) - Valley Land Subdivision Ltd.

Moved By Councillor Gray/Seconded By Councillor Hodge

R670/16/09/12 THAT Bylaw No. 11276 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

3.15 BL11277 (TA16-0009) - CD27, Valley Lands Comprehensive Development Zone

Moved By Councillor Gray/Seconded By Councillor Hodge

R671/16/09/12 THAT Bylaw No. 11277 be read a first time.

Carried

3.16 720 Valley Road, BL11278 (Z16-0046) - Valley Land Subdivision Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R672/16/09/12 THAT Bylaw No. 11278 be read a first time.

Carried

3.17 BL11279 - A Bylaw to Repeal Housing Agreement Authorization Bylaw No. 8477

Moved By Councillor DeHart/Seconded By Councillor Stack

R673/16/09/12 THAT Bylaw No. 11279 be read a first, second and third time.

Carried

3.18 894 Stremel Road, BL11244 (OCP16-0001) - McBeetle Holdings Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R674/16/09/12 THAT Bylaw No. 11244 be adopted.

Carried

3.19 894 Stremel Road, BL11245 (Z16-0006) - McBeetle Holdings Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R675/16/09/12 THAT Bylaw No. 11245 be adopted.

Carried

3.20 894 Stremel Road, DP16-0016 - McBeetle Holdings Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Singh

R676/16/09/12 THAT Council authorizes the issuance of Development Permit No. DP16-0016 for Lot A, Section 34, Township 26, ODYD Plan EPP53299, located at 894 Stremel Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated (April 12, 2016);

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Upper Mission Drive (E of), BL11266 (OCP16-0011) - Calcan Investments Inc.

Moved By Councillor Stack/Seconded By Councillor DeHart

R677/16/09/12 THAT Bylaw No. 11266 be adopted.

Carried

4.2 Upper Mission Drive (E of), BL11267 (Z16-0041) - Calcan Investments Inc.

Moved By Councillor DeHart/Seconded By Councillor Stack

R678/16/09/12 THAT Bylaw No. 11267 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 125 Dundas Road, RTE16-0004 - Revitalization Tax Exemption

Staff:

- Displayed a PowerPoint presentation summarizing the Revitalization Tax Exemption Agreement with Unico One Development and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R679/16/09/12 THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Unico One Development Ltd. for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC, in the form attached to the report from Community Planning dated September 12th, 2016;

AND THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreement.

Carried

5.2 Land Use Contract Termination Strategy

Staff:

- Displayed a PowerPoint presentation summarizing the Land Use Contract Terminology Strategy and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Donn

R680/16/09/12 THAT Council receives, for information, the report from the Urban Planning Department dated September 12th, 2016, with respect to the Land Use Contract Termination Strategy;

AND THAT Council endorse the strategy outlined in the Land Use Contract Termination Strategy report dated September 12th, 2016 which states:

1. Land Use Contracts will be terminated and associated rezonings (where necessary) performed over time between 2017 and 2022;
2. Staff will bring forward the Land Use Contracts for termination based upon development potential (any with remaining development potential) and their age (oldest to youngest);

3. Staff will bring forward a Land Use Contract termination whenever an applicant applies to discharge a Land Use Contract on their property;

AND FURTHER THAT Council direct Staff to rescind the 1997 Council Policy #282 regarding the Strategy for Elimination of Remaining Land Use Contracts.

Carried

5.3 Mission Creek Restoration Initiative - Funding Contributions

Staff:

- Displayed a PowerPoint presentation regarding the Mission Creek Restoration Initiative.
- Showed a video that is posted on the Mission Creek website regarding the restoration initiative.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Donn

R681/16/09/12 THAT Council receives, for information, the report from the Suburban & Rural Planning Manager dated September 12th, 2016, with respect to Mission Creek Restoration Initiative project Funding Contributions;

AND THAT the 2016 Financial Plan be amended to include the contribution from the Central Okanagan Land Trust (COLT) of \$185,202;

AND THAT the 2016 Financial Plan be amended to include the contribution from the Southern Interior Land Trust (SILT) of \$107,710;

AND THAT the 2016 Financial Plan be amended to include the contribution from the Ministry of Forests, Lands and Natural Resource Operations (MoFLRNO) of \$16,127;

AND FURTHER THAT the 2016 Financial Plan be amended to include the contribution from the Bennett Bridge HADD Fund of \$13,608.

Carried

5.4 3441, 3451, 3461 & 3471 Lakeshore Road (Portion adjacent to) - Road Closure

Moved By Councillor Donn/Seconded By Councillor Hodge

R682/16/09/12 THAT Council receives, for information, the Report from the Manager, Real Estate Services dated September 12th, 2016, recommending that Council adopt the proposed road closure of a portion of road adjacent to 3441, 3451, 3461 & 3471 Lakeshore Road;

AND THAT Bylaw No.11274, being proposed road closure of a portion of road adjacent to 3441, 3451, 3461 & 3471 Lakeshore Road, be forwarded for reading consideration.

Carried

5.5 Lakeshore Road (Portion of), BL11274 - Road Closure & Removal of Highway Dedication Bylaw

Moved By Councillor Stack/Seconded By Councillor DeHart

R683/16/09/12 THAT Bylaw No. 11274 be read a first, second and third time.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11269 - Amendment No. 4 to Revitalization Tax Exemption Bylaw No. 9561

Moved By Councillor DeHart/Seconded By Councillor Stack

R684/16/09/12 THAT Bylaw No. 11269 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Will be attending a National Housing Strategy conference next week in Vancouver.

Councillor DeHart:

- Commented on her attendance, on behalf of the Mayor, at the Sears National Cycle for Cancer event this past week.
- Commented on her attendance at the 'Cops for Kids' Breakfast and noted that the cyclists will be returning to the Ramada Hotel parking lot on Sunday at 11:30 a.m.
- Advised that she will be attending the 'Moon Festival' ceremony at PRC later this week.

Councillor Singh:

- Commented on her attendance at the 9/11 Memorial this past Sunday.

Councillor Hodge:

- Commented on his attendance at a SILGA Executive meeting this past week and spoke to the SILGA Youth initiative.

Councillor Gray:

- Commented that Rib Fest is happening this weekend in City Park and she is looking forward to being a judge.

Councillor Donn:

- Looking forward to the opening of the Kelowna Gospel Mission's Courtyard.
- Noted that he will be attending a Biosolids Committee meeting this coming week.
- Spoke to his concerns with respect to some of the high rental rates being charged by some developers who have received revitalization tax agreements from the City.

Councillor Given:

- Spoke to comments received from members of the public expressing their concerns regarding the high rental rates being advertised for micro-suites and expressed her disappointment with the rates.

Mayor Basran:

- Encouraged Council to attend the official opening of the new Bulman Road safe cycling route to UBC-O being held at 2:00 pm on Tuesday.
- Kudos to the KGH Foundation for their annual Heart of Gold Gala which raised approximately \$1.2 Million for health care in the community.

Councillor Gray:

- Noted that there is information online regarding rents at Cambridge House and to look carefully as to whom is actually advertising the rental rates.

8. Termination

This meeting was declared terminated at 3:03 p.m.

Mayor

City Clerk

/slh