



City of Kelowna Regular Council Meeting Minutes

Date: Monday, September 14, 2015
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Suburban & Rural Planning Manager, Todd Cashin*; Community Planning Manager, Ryan Smith*; Community Planning Supervisor, Lindsey Ganczar*; Suburban & Rural Planner, Damien Burggraeve*; Urban Planning Manager, Terry Barton*; Cultural Services Manager, Sandra Kochan*; Cemetery Manager, David Gatzke*; Parks Services Manager, Ian Wilson*; Communications & Information Director, Carla Weaden*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:37 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 Hodge/Seconded By Councillor DeHart

R680/15/09/14 THAT the Minutes of the Regular Meetings of August 24, 2015 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 1090 McKenzie Road, FH15-0001 - GP Sandher Holdings Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application, reasons for staff's non-support and responded to questions from Council.

Mayor to invite the Applicants or Applicants' Representative to come forward.

Biri Sandher & Sukhwinderjit Sandher, 1610 Swainson Road, Applicant

- Provided farming history and advised they currently farm 425 acres.
- Currently has 50 local workers and will need 300 to 320 workers for the next year depending on the crops.
- Workers are currently living in several locations. It is costly to have housing on various properties as well the cost of gasoline transporting workers is expensive and time consuming.
- It is strictly for economic reasons to have one large facility on one site.
- Confirmed the proposed building would be empty for 10 months out of a year.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R681/15/09/14 THAT Council authorizes the issuance of Development Permit No. FH14-0001 for *Lot 2 Section 25 TWP 26 ODYD Plan 4586 Except (1) Parcel A Plan B7112 (2) Plans 19263 and 20308*, located on *1090 McKenzie Road*, Kelowna, BC subject to the following:

1. Approval from the Agricultural Land Commission through a Non-Farm Use Application.
2. Restrictive Covenant specifying the use to be restricted to Temporary Farm Workers only, and requiring the removal of the structure if not used for the intended use for a continuous period of two years.

Defeated
Mayor Basran, Councillors Sieben, Stack, Given, DeHart and Gray - Opposed

Moved By Councillor Stack/Seconded By Councillor Given

R682/15/09/14 THAT Council NOT authorize the issuance of Development Permit No. FH15-0001 for *Lot 2 Section 25 TWP 26 ODYD Plan 486 Except (1) Parcel A Plan B7112 (2) Plans 19263 and 20308* for *1090 McKenzie Road*, Kelowna, BC.

Carried
Councillors Hodge and Singh - Opposed

3.2 TA15-0007 - Micro Suite Text Amendment

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Hodge

R683/15/09/14 THAT Zoning Bylaw Text Amendment Application No. TA15-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as described in Attachment A to the Report from the Community Planning Department dated August 24, 2015 be considered by Council;

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

Carried

3.3 BL11131 (TA15-0007) - Micro Suite Housing Amendments to Zoning Bylaw No. 8000

Moved By Councillor Given/Seconded By Councillor Donn

R684/15/09/14 THAT Bylaw No. 11131 be read a first time.

Carried

3.4 1981 Cross Road, Z15-0030 - Lorne Pearson

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Gray

R685/15/09/14 THAT Rezoning Application No. Z15-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 4 Township 23 ODYD Plan 10134 Except Plan H8323, located at 1981 Cross Road, Kelowna, BC from the A1 - Agricultural 1 zone to the RU2 - Medium Lot Housing 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 conditions of approval as outlined in Schedule (A) attached to the Report from the Community Planning Department dated September 14, 2015;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the requirements of the Glenmore-Ellison Improvement District being completed to their satisfaction as outlined in Schedule (B);

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

Carried

3.5 1981 Cross Road, BL11134 (Z15-0030) - Lorne Pearson

Moved By Councillor Donn/Seconded By Councillor Given

R686/15/09/14 THAT Bylaw No. 11134 be read a first time.

Carried

3.6 4619 Gordon Drive, Z15-0036 - Dwight Schreiner & Cheryl Hank

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Donn

R687/15/09/14 THAT Rezoning Application No. Z15-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 357 ODYD Plan KAP46269, located at 4619 Gordon Drive, Kelowna, BC from RU1 - Large Lot Housing zone to 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.

Carried

3.7 4619 Gordon Drive, BL11135 (Z15-0036) - Dwight Schreiner & Cheryl Hank

Moved By Councillor Given/Seconded By Councillor Donn

R688/15/09/14 THAT Bylaw No. 11135 be read a first time.

Carried

3.8 4077 Lakeshore Road, OCP15-0011 & Z15-0031 - Greencorp. Ventures Inc.

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Gray

R689/15/09/14 THAT Official Community Plan Map Amendment Application No. OCP15-0011 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot B Section 6 Township 26 ODYD Plan 10613, located at 4077 Lakeshore Avenue, Kelowna, BC from the S2RES - Single/Two Unit Residential designation to the MRL - Multiple Unit Residential (Low Density) designation, be considered by Council;

AND THAT Rezoning Application No. Z15-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 6 Township 26 ODYD Plan 10613, located at 4077 Lakeshore Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to the conditions of approval as outlined in Schedule "A" attached to the Report from the Community Planning Department dated September 14, 2015;

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

Carried

3.9 4077 Lakeshore Road, BL11136 (OCP15-0011) - Greencorp Ventures Inc.

Moved By Councillor Donn/Seconded By Councillor Given

R690/15/09/14 THAT Bylaw No. 11136 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

3.10 4077 Lakeshore Road, BL11137 (Z15-0031) - Greencorp Ventures Inc.

Moved By Councillor Gray/Seconded By Councillor Hodge

R691/15/09/14 THAT Bylaw No. 11137 be read a first time.

Carried

3.11 5305 and 5315 Main Street, TA15-0009 Zoning Bylaw Text Amendment

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Donn

R692/15/09/14 THAT Zoning Bylaw Text Amendment No. TA15-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by adding "Retail Liquor Sales Establishment - applicable only to Lot 1, District Lot 23, Township 28, SDYD, Plan KAP91191 (5305-5315 Main Street)" to Section 1.2 Principal Uses in the CD2 - Kettle Valley Comprehensive Residential Development zone be considered by Council;

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

Carried

3.12 5305 and 5315 Main Street, BL11138 (TA15-0009) - Anthony and Susan Overton

Moved By Councillor Hodge/Seconded By Councillor Gray

R693/15/09/14 THAT Bylaw No. 11138 be read a first time.

Carried

3.13 TA14-0022 - Housekeeping Text Amendments

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Singh

R694/15/09/14 THAT Zoning Bylaw Text Amendment No. TA14-0022 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the text found in "Schedule A" of the Report of the Urban Planning Department dated March 18, 2015, be considered by Council;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to a review by the Ministry of Transportation & Infrastructure being completed to their satisfaction.

Carried

3.14 BL11139 (TA14-0022) - Housekeeping Text Amendments to Zoning Bylaw No. 8000

Moved By Councillor Gray/Seconded By Councillor Hodge

R695/15/09/14 THAT Bylaw No. 11139 be read a first time.

Carried

3.15 BL11140 (TA14-0022) - Housekeeping Text Amendments to Zoning Bylaw No. 8000

Moved By Councillor Donn/Seconded By Councillor Gray

R696/15/09/14 THAT Bylaw No. 11140 be read a first time.

Carried

3.16 BL11141 (TA14-0022) - Housekeeping Text Amendments to Zoning Bylaw No. 8000

Moved By Councillor Donn/Seconded By Councillor Hodge

R697/15/09/14 THAT Bylaw No. 11141 be read a first time.

Carried

3.17 605 Stirling Road, Z15-0024 - 1009440 BC Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Gray

R698/15/09/14 THAT Rezoning Application No. Z15-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9 Section 22 Township 26 ODYD Plan 21786, located at 605 Stirling Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing 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 June 10, 2015;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to approval of the Ministry of Transportation and Infrastructure.

Carried

3.18 605 Stirling Road, BL11142 (Z15-0024) - 1009440 BC Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R699/15/09/14 THAT Bylaw No. 11142 be read a first time.

Carried

3.19 (South of) Academy Way, Z15-0006 - Watermark Development Ltd. & City of Kelowna

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

R700/15/09/14 THAT Rezoning Application No. Z15-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Part(s) of Lot C Section 3 Township 23 Osoyoos Division Yale District Plan EPP33993, "see plan as to limited access", located (S of) Academy Way from A1 - Agriculture 1 to RU1h - Large Lot Housing (Hillside Area), from A1 - Agricultural 1 to P3 - Parks and Open Space, from A1 - Agricultural 1 to P4 - Utilities, from RM5 - Medium Density Multiple Housing to RU1h - Large Lot Housing (Hillside Area), and from P3 - Parks and Open Space to RU1h - Large Lot Housing (Hillside Area).
2. Part(s) of Lot 1 Sections 3 and 10 Township 23 Osoyoos Division Yale District Plan EPP45918, located at 800 Academy Way from P3 - Parks and Open Space to RM5 - Medium Density Multiple Housing and from A1 - Agricultural 1 to RM5 - Medium Density Multiple Housing.
3. Part(s) of Lot A Section 3 Township 23 Osoyoos Division Yale District Plan EPP33993 "see plan as to limited access", located (S OF) Academy Way from RM5 - Medium Density Multiple Housing to P3 - Parks and Open Space and from A1 - Agricultural 1 to P3 - Parks and Open Space.

As shown on Map "A" attached to the Report from the Community Planning Department dated September 14, 2015.

AND THAT the Zone Amending 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 "B" attached to the Report from the Community Planning Department dated September 14, 2015;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the City of Kelowna's Subdivision Approving Officer.

Carried

3.20 (S of) Academy Way, BL11143 (Z15-0006) - Watermark Development Ltd. & City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Stack

R701/15/09/14 THAT Bylaw No. 11143 be given first reading.

Carried

3.21 1225 Lund Road, OCP14-0010 & Z14-0020 - Melcor Lakeside Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Donn

R702/15/09/14 THAT Council receives, for information, the Report from the Community Planning Department dated September 14, 2015 with respect to Official Community Plan Application No. OCP14-0010 for the property located at Lot 47, Section18, Township 27, ODYD, Plan KAP82430, located at 1225 Lund Road, Kelowna, BC;

AND THAT Council receives, for information, the Report from the Community Planning Department dated September 14, 2015 with respect to Rezoning Application No. Z14-0020 for the property located at Lot 47, Section18, Township 27, ODYD, Plan KAP82430, located at 1225 Lund Road, Kelowna, BC;

AND THAT Bylaw Nos. 10992 & 10993 be forwarded for rescindment consideration and the files be closed.

Carried

3.22 1225 Lund Road, BL10992 (OCP14-0010) - Melcor Lakeside Inc.

Moved By Councillor Stack/Seconded By Councillor DeHart

R703/15/09/14 THAT Bylaw No. 10992 be rescinded and the file closed.

Carried

3.23 1225 Lund Road, BL10993 (Z14-0020) - Melcor Lakeside Inc.

Moved By Councillor Stack/Seconded By Councillor Singh

R704/15/09/14 THAT Bylaw No. 10993 be rescinded and the file closed.

Carried

4. Bylaws for Adoption (Development Related)

4.1 1924 and (Part of) Henkel Road, BL10940 (OCP14-0007) - Surinder Gosal and City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R705/15/09/14 THAT Bylaw No. 10940 be adopted.

Carried

- 4.2 1908, 1924 and (Part of) Henkel Road, BL10941 (Z14-0002) - Surinder Gosal & City of Kelowna

Moved By Councillor Sieben/Seconded By Councillor Singh

R706/15/09/14 THAT Bylaw No. 10941 be adopted.

Carried

- 4.3 4975 Buckhaven Court, BL11072 (OCP15-0003) - Vincent & Pamela Blaskovich

Moved By Councillor DeHart/Seconded By Councillor Stack

R707/15/09/14 THAT Bylaw No. 11072 be adopted.

Carried

- 4.4 4975 Buckhaven Court, BL11073 (Z14-0057) - Vincent & Pamela Blaskovich

Moved By Councillor Sieben/Seconded By Councillor Singh

R708/15/09/14 THAT Bylaw No. 11073 be adopted.

Carried

- 4.5 1285 Graham Road, BL11126 (Z15-0029) - W-Ten Development Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R709/15/09/14 THAT Bylaw No. 11126 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Policy and Regulation relating to Night Club/Bar Closing Times

Councillor Sieben declared a conflict of interest due to being part owner of a liquor establishment in the downtown area and left the meeting at 3:41 p.m.

Councillor DeHart declared a conflict of interest as her employer operates a liquor establishment and left the meeting at 3:41 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the Policy changes related to Night Club/Bar closing times and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Donn

R710/15/09/14 THAT Council receives, for information, the Report from the Community Planning Department Manager dated August 24, 2015 entitled "Policy and Regulation relating to the Night Club/Bar Closing Times";

AND THAT Council Policy No. 359, being Liquor Licensing Policy & Procedures, be amended as set out in Schedule "A" of the Report from the Community Planning Department Manager dated August 24, 2015.

Carried
Councillor Stack - Opposed

Councillors Sieben and DeHart rejoined the meeting at 4:04 p.m.

5.2 2015 Creative City Summit and Culture Days

Staff:

- Provided a PowerPoint presentation summarizing the 2015 Creative City Summit agenda and Culture Days events.

Moved By Councillor Donn/Seconded By Councillor Singh

R711/15/09/14 THAT Council receives for information the report of the Cultural Services Manager dated September 14, 2015 regarding the 2015 Creative City Summit and Culture Days.

Carried

5.3 Kelowna Memorial Park Cemetery Master Plan

Staff:

- Provided an overview of the Cemetery Master Plan and how it would be used as a guide for future development.

Moved By Councillor Hodge/Seconded By Councillor Sieben

R712/15/09/14 THAT Council receives, for information, the Report of the Cemetery Manager dated August 24, 2015 with respect to the Kelowna Memorial Park Cemetery Master Plan;

AND THAT Council endorses the Kelowna Memorial Park Cemetery Master Plan as attached to the Report of the Cemetery Manager dated August 24, 2015 as a guide for future Cemetery business development.

Carried

6. Mayor and Councillor Items

Mayor Basran:

- Presented Council Priorities "Open for Opportunity" 2014-2018.

Councillor Stack:

- Spoke to his attendance at the Communities in Bloom Award Ceremony.

Councillor DeHart:

- Spoke to her attendance at the Ovarian Cancer Walk on Sunday, September 13th.

Councillor Hodge:

- Spoke to his attendance at the Peachland Fall Fair on Sunday, September 13th.
- Thanked the Kelowna Fire Department and RCMP for their quick response to a car fire in front of his house this past weekend.

Councillor Gray:

- Spoke to her attendance at the Kelowna Firefighters Burn Fundraiser on Sunday, September 13th.

Councillor Donn:

- Inquired if the Running Man sculpture will be returned to the Queensway Transit Station.
- Is working on a Notice of Motion for options and solutions for littered cigarette butts.

Councillor Given:

- Reminder that this Saturday the Parkinson Recreation Centre is hosting the Volunteer Opportunities Fair beginning at 9:45 a.m.
- Reminder that the Terry Fox Run begins at UBCO on Sunday, September 20th.

Mayor Basran:

- Identified two Syrian refugee information sessions; one at the Okanagan College, Friday, September 25th and one at UBCO, Saturday September 26th.

7. Termination

This meeting was declared terminated at 4:52 p.m.

Mayor

/acm

City Clerk