



City of Kelowna

Regular Council Meeting

Minutes

Date: Monday, July 24, 2017
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; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Planner Specialist, Adam Cseke*; Planner Specialist, Melanie Stepphun*; Planner, Laura Bentley*; Public Works Manager, Darryl Astofooroff*; Infrastructure Operations Department Manager, Ian Wilson*; and FOI-Legislative Coordinator, Sandi Horning

(* 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 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 Donn

R576/17/07/24 THAT the Minutes of the PM Meeting of July 10, 2017 be confirmed as circulated.

Carried

3. Public in Attendance

3.1 Ballet Kelowna

Councillors Sieben and Stack joined the meeting at 1:32 p.m.

Simone Orlando, Artistic Director & CEO, Ballet Kelowna:

- Introduced the Board of Directors in attendance.
- Displayed a PowerPoint presentation summarizing the annual activities of Ballet Kelowna.
- Responded to questions from Council.

4. Development Application Reports & Related Bylaws

4.1 801 Francis Ave, Z14-0029 - Craig & Connie Procter

Staff:

- Displayed a PowerPoint presentation setting out the rationale for closing the file.

Moved By Councillor Stack/Seconded By Councillor Given

R577/17/07/24 THAT Council receives, for information, the Report from the Community Planning Department dated July 24, 2017 with respect to Rezoning Application No. Z14-0029 for the property located at 801 Francis Avenue;

AND THAT Bylaw No. 11019 be forwarded for rescindment consideration and the file be closed.

Carried

4.2 801 Francis Ave, Z14-0029 (BL11019) - D Squared Enterprises Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R578/17/07/24 THAT first, second and third readings given to Bylaw No. 10119 be rescinded;

AND THAT the file for Rezoning Application No. Z14-0029 for the property located at 8801 Francis Avenue, Kelowna, BC be closed.

Carried

4.3 403 Viewcrest Rd Z16-0029 Waiver - Richard Mercier and Tracey Gronick

Staff:

- Provided the rationale for waiving a condition of adoption.

Moved By Councillor DeHart/Seconded By Councillor Donn

R579/17/07/24 THAT Council waives the requirement for a Development Variance Permit to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 11359;

AND THAT Final Adoption of Rezoning Bylaw No. 11359 be considered by Council.

Carried

4.4 403 Viewcrest Rd, BL11359 (Z16-0029) - Richard Mercier and Tracey Gronick

Moved By Councillor Gray/Seconded By Councillor Hodge

R580/17/07/24 THAT Bylaw No. 11359 be adopted.

Carried

4.5 Bennett Rd and Paly Rd Land Use Contract Termination - LUCT16-0002

Councillor Singh declared a conflict of interest as she owns property in the affected area and left the meeting at 2:01 p.m.

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Sieben

R581/17/07/24 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE BE IT RESOLVED THAT as the underlying RR3-Rural Residential 3 zone in City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contracts LUC76-1088 & LUC78-1024;

AND THAT Application No. LUCT16-0002 to terminate LUC76-1088 & LUC78-1024 from properties identified in 'Schedule A' and 'Schedule B' located on Bennett Road and Paly Road, Kelowna, B.C. be considered by Council;

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

Carried

4.6 Bennett Rd and Paly Rd, LUC16-0002 (BL11404) - Various Owners

Moved By Councillor Hodge/Seconded By Councillor DeHart

R582/17/07/24 THAT Bylaw No. 114,04 be read a first time.

Carried

Councillor Singh rejoined the meeting at 2:07 p.m.

4.7 TA16-0002 - General Housekeeping Amendments to Zoning Bylaw No. 8000

Staff:

- Displayed a PowerPoint presentation summarizing the amendments to the Zoning Bylaw and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R583/17/07/24 THAT Zoning Bylaw Text Amendment Application No. TA16-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated June 24, 2017 be considered by Council;

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

Carried

4.8 TA16-0002 (BL11440) - General Housekeeping Amendments to Zoning Bylaw No. 8000

Moved By Councillor Singh/Seconded By Councillor DeHart

R584/17/07/24 THAT Bylaw No. 114,40 be read a first time.

Carried

4.9 4264 Lakeshore Rd, Z17-0037 - Joseph Crosara & Elizabeth Shelton

Staff:

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

Moved By Councillor Given/Seconded By Councillor Gray

R585/17/07/24 THAT Rezoning Application No. Z17-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11 District Lot 167 ODYD Plan 4610, located at 4264 Lakeshore 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 approvals as set out in Schedule "A" attached to the Report from the Community Planning Department dated July 24, 2017;

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 Variance Permit for the subject property.

Carried

4.10 4264 Lakeshore Rd, Z17-0037 (BL11444) - Joseph Crosara & Elizabeth Shelton

Moved By Councillor DeHart/Seconded By Councillor Singh

R586/17/07/24 THAT Bylaw No. 11444 be read a first time.

Carried

4.11 2355 Acland Rd and 333 Penno Rd, Z17-0061 - o837937 BC Ltd

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor DeHart

R587/17/07/24 THAT Rezoning Application No. Z17-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot B, Section 2, Township 23, ODYD, Plan KAP80969, located at 2355 Acland Road, Kelowna, BC from the I1 – Business

Industrial zone to the I2 – General Industrial zone as shown on Map “A” attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

AND THAT Rezoning Application No. Z17-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot E, Section 2, Township 23, ODYD, Plan EPP27682, located at 333 Penno Road, Kelowna, BC from the I1 – Business Industrial zone to the I2 – General Industrial zone as shown on Map “A” attached to the report from the Community Planning Department dated July 24, 2017 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 in conjunction with Council’s consideration of a Development Permit and Development Variance Permit for the subject property.

Carried

4.12 2355 Acland Rd and 333 Penno Rd, Z17-0061 (BL11446) - o837937 BC Ltd

Moved By Councillor Donn/Seconded By Councillor Given

R588/17/07/24 THAT Bylaw No. 11446 be read a first time.

Carried

4.13 (W of) Loseth Dr, OCP17-0016 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the changes to the future land use designation.

Moved By Councillor Stack/Seconded By Councillor Donn

R589/17/07/24 THAT Official Community Plan Map Amendment Application No. OCP17-0016 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 24 Section 24 Township 26 ODYD Plan EPP43942, located at (W of) Loseth Drive, Kelowna BC, from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation, as shown on Map “A” attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

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

AND FURTHER THAT Council considers the Public Hearing 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 July 24, 2017.

Carried

4.14 (W of) Loseth Dr, OCP17-0016 (BL11447) - City of Kelowna

Moved By Councillor Donn/Seconded By Councillor Given

R590/17/07/24 THAT Bylaw No. 11447 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

4.15 1330 & 1340 Mine Hill Dr, OCP17-0013 & Z16-0079 - Starland Development Company Ltd

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Given

R591/17/07/24 THAT Official Community Plan Amendment Application No. OCP17-0013 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 24 Section 24 Township 26 ODYD Plan EPP67683, located at 1330 Mine Hill Drive, Kelowna, BC, from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation, as shown on Map "A" attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

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

AND THAT Council considers the Public Hearing 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 July 24, 2017;

AND THAT Rezoning Application No. Z16-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24 Section 24 Township 26 ODYD Plan EPP67683, located at 1330 Mine Hill Drive, Kelowna, BC, and of a portion of Lot 23 Section 24 Township 26 ODYD Plan EPP67683, located at 1340 Mine Hill Drive, Kelowna, BC, from the RU4h – Low Density Cluster Housing (Hillside Area) zone to the RU1h – Large Lot Housing (Hillside Area) zone, as shown on Map "B" attached to the Report from the Community Planning Department dated July 24, 2017, 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 approval from the Ministry of Transportation and Infrastructure;

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

Carried

4.16 1330 & 1340 Mine Hill Dr, OCP17-0013 (BL11448) - Starland Development Company Ltd.

Moved By Councillor DeHart/Seconded By Councillor Singh

R592/17/07/24 THAT Bylaw No. 11448 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

4.17 1330 & 1340 Mine Hill Dr, Z16-0079 (BL11449) - Starland Development Company

Moved By Councillor Singh/Seconded By Councillor DeHart

R593/17/07/24 THAT Bylaw No. 11449 be read a first time.

Carried

4.18 482 Clifton Rd, LUC17-0001 - Dennis & Denise Campbell

Staff:

- Displayed a PowerPoint presentation summarizing the Land Use Contract Discharge application.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R594/17/07/24 THAT Application No. LUC17-0001 to discharge LUC76-1087 from Lot 4 Section 8 Township 23 ODYD Plan KAP28178 Except Plan KAP57178, located at 482 Clifton Road, Kelowna, BC, be considered by Council;

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

Carried

4.19 482 Clifton Rd N, LUC17-0001 (BL11450) - Dennis & Denise Campbell

Moved By Councillor Hodge/Seconded By Councillor Gray

R595/17/07/24 THAT Bylaw No. 11450 be read a first time.

Carried

4.20 Clifton Rd N, Lynn Ct, Tina Ct and Kyndree Ct, LUCT17-0002 - Various Owners

Staff:

- Displayed a PowerPoint presentation summarizing the Land Use Contract Termination application.

Moved By Councillor Hodge/Seconded By Councillor Gray

R596/17/07/24 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR3 – Rural Residential 3 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC76-1087;

AND THAT Application No. LUCT17-0002 to terminate LUC76-1087 from properties identified in Schedule 'A', located on Clifton Road North, Lynn Court, Tina Court & Kyndree Court, Kelowna, BC, be considered by Council.

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

Carried

4.21 Clifton Rd N, Lynn Ct, Tina Ct and Kyndree Ct, LUCT17-0002 (BL11451) - Various Owners

Moved By Councillor Donn/Seconded By Councillor Given

R597/17/07/24 THAT Bylaw No. 11451 be read a first time.

Carried

4.22 3240 Pooley Road, DP17-0046 - Wyn & Marion Lewis

Staff:

- Displayed a PowerPoint presentation summarizing the Farm Protection Development Permit and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R598/17/07/24 THAT Council authorizes the issuance of issuance of Development Permit No. DP16-0046 for Lot 2 Section 15 TWP 26 ODYD Plan 3379, located at 3240 Pooley Rd, 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";

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Engineering Department dated (March 28, 2017);

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

Councillor Hodge – Opposed.

4.23 1730 Richter St, DP17-0082 - 1017476 BC Ltd

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

R599/17/07/24 THAT Council authorizes the issuance of Development Permit No. DP17-0082 for Lot 1 District Lot 139 ODYD Plan KAP92715, located at 1730 Richter St, 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 May 7, 2017;

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

Councillor Donn & Hodge – Opposed.

4.24 205 Lougheed Rd, DP14-0204-01 - Georg-Michael Holzhey Ltd

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Hodge

R600/17/07/24 THAT Council hear from the Applicant, or the Applicant's Representative, with respect to Development Permit No. DP14-0204-01.

Carried

Jim Meiklejohn, Meiklejohn Architects, Applicant's Representative:

- Spoke to the unique aspects of mixing industrial and residential uses as this was not anticipated in either the Zoning Bylaw or the BC Building Code.
- Spoke to the changes that were made to the site plan with respect to the location of residential parking. The elimination of the rear access road raised BC Building Code issues that could not be resolved on a technical level, in particular when it came to firefighting access requirements.
- The project consists of nine separate buildings rather than one, which has created issued.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

R601/17/07/24 THAT Council authorizes the issuance of Development Permit No. DP14-0204-01 for Lot A, Section 2, Township 23, ODYD, Plan KAP84518, located at 205 Lougheed Rd, 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 the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated June 27 2017 be completed prior to Building Permit issuance;

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

4.25 210 Lougheed Road, DP17-0050 - 1098213 BC Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the Development Permit.

Moved By Councillor Donn/Seconded By Councillor Gray

R602/17/07/24 THAT Council authorize the issuance of Development Permit No. for Lot B, Section 2, Township 23, ODYD, Plan KAP84518 located at 210 Lougheed Rd, 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 to be in general accordance with Schedule "C";
4. That 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;
5. That the road closure bylaw be adopted and consolidated with the subject property.

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 permit to be issued;

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

Carried

5. Bylaws for Adoption (Development Related)

5.1 757 Raymer Road BL11368 (Z17-0005) - Daniel Joinson

Moved By Councillor Hodge/Seconded By Councillor Gray

R603/17/07/24 THAT Bylaw No. 11368 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1 2017 Streetlight Inventory Purchase from FortisBC

Staff:

- Provided an overview of the agreement with FortisBC to transfer the streetlight maintenance to the City of Kelowna from FortisBC and to purchase the remaining streetlight inventory.
- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R604/17/07/24 THAT Council receives, for information, the Report from the Public Works Manager dated July 19 2017 with respect to the purchase of streetlight inventory from FortisBC;

AND THAT Council consider a one-time budget increase of \$100,000 to purchase the remaining streetlight inventory from FortisBC

AND THAT up to \$100,000 be funded from Reserve.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 Proposed Road Closure for a Portion of Clifton Rd North

Mayor Basran invited anyone in the public gallery who deems themselves affected by the proposed road closure to come forward. No one came forward.

Moved By Councillor DeHart/Seconded By Councillor Singh

R605/17/07/24 THAT Bylaw No. 11441 be adopted.

Carried

8. Mayor and Councillor Items

Councillor DeHart:

- Made comment regarding the many recent awards that have been won by the City of Kelowna's Ogopogo float.

Councillor Singh:

- Spoke to the concerns of residents due to very dry conditions and gave a shout out to Bylaw Enforcement and Kelowna Fire Department staff.

Councillor Hodge:

- Made comment on his attendance at the Kelowna Historical Society picnic a couple of Saturdays ago.
- Noted his attendance at the DKA Downtown Block Party this past Saturday.
- Mentioned comments from a former resident as to how beautiful downtown and the waterfront is.

Councillor Gray:

- Made comment regarding her attendance at the DKA Block Party this past weekend and commented on the addition of the Farmers Market.
- Commented on the number of people enjoying Stuart Park in the evenings and on the weekends.
- Reminded the public of existing water restrictions.

Councillor Donn:

- Made comment regarding the high rental rates in the City currently and the various issues this raises.

Councillor Given:

- Helped raise funds for the United Way by being in the Dunk Tank at the DKA Downtown Block Party.

Mayor Basran:

- Made comment regarding his attendance at the DKA Downtown Block Party and spoke to the public appetite for more pedestrian-focused events.

- Spoke to an email received from former Mayor Walter Gray noting that July 25, 2017 is the 30th anniversary of the opening of Kasugai Gardens.
- Noted that that this Saturday is the 2nd Annual Sugar Plum Ball and commented on how the event celebrates community diversity.

9. Termination

This meeting was declared terminated at 4:19 p.m.

Mayor

City Clerk

/slh