



City of Kelowna Regular Council Meeting Minutes

Date: Monday, October 24, 2016
 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 City Manager, Ron Mattiussi*; City Clerk, Stephen Fleming; Suburban & Rural Planning Manager, Todd Cashin*; Planner Specialist, Melanie Steppuhn*; Building & Permitting Manager, Doug Patan*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Policy & Planning Department Manager, James Moore*; Planner Specialist, Ross Soward*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:31 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

R788/16/10/24 THAT the Minutes of the Regular Meetings of October 17, 2016 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Application to the ALC for a Non-Farm Use (Commercial Assemblies)

Councillor Singh declared a conflict of interest as she has a close personal family like relationship with the Applicant and departed the meeting at 1:33 p.m.

Mayor Basran declared a conflict of interest as an immediate family member owns land adjacent to the subject property and departed the meeting at 1:33 p.m.

Deputy Mayor Donn resided the Chair at 1:33 p.m.

Staff:

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

Surpaul Bal, McCurdy Road East, Applicant

- Displayed a PowerPoint presentation summarizing reasons for Council to support the application.
- Believes the Ministry of Agriculture's announcement regarding special events is a positive step, however, believes the size of farming operation was not taken into consideration.
- Advised that farming is still their main business and this is just a component to assist with that business; also provides financial support to continue with farming and assists with offset losses during unproductive years.
- Noted that the Agriculture Advisory Committee supported their application at their April 14th Committee meeting.
- Responded to questions from Council.

Council

- Raised concern with noise, parking and neighbourhood disturbance.
- Raised concern regarding the size and unlimited number of events being requested.
- Suggested the Applicant demonstrate an ability to operate within existing ALC Regulations for a year or two and return to Council with a positive history.

Moved By Councillor Stack/Seconded By Councillor Given

R789/16/10/24 THAT Agricultural Land Reserve Appeal No. A16-0001 for Lot B Section 24 TWP 26 ODYD District Plan KAP81726 Except Plan EPP1364, located at 560 Highway 33 E, Kelowna for a non-farm use on land in the Agricultural Land Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, NOT be supported by Council;

AND THAT Council directs Staff NOT to forward the subject application to the Agricultural Land Commission for consideration.

Carried
Councillor Sieben - Opposed

Mayor Basran and Councillor Singh returned to the meeting at 3:02 p.m.

3.2 Farm Help Development Permit to allow Temporary Farm Worker Housing for 40 Temporary Farm Workers

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Donn

R790/16/10/24 THAT Council authorizes the issuance of Farm Help Development Permit No. FH16-0002 for TWP 27 ODYD Plan KAP91485 Except Plan KAP92999, located at 1380 Latta 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 applicant be required to post with the City a Security deposit in the amount of \$20,000 for a Delayed Decommissioning Bond for the removal of the trailers should they not require the Temporary Farm Workers for two consecutive growing seasons, by December 31st of the second year; and
3. That the occupancy of the Temporary Farm Worker Housing be for no more than 8 months per calendar year;

AND THAT Council's consideration of this Farm Help 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 (October 24, 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

3.3 Secondary Suite Amendments, TA16-0004 & Z16-0010, City of Kelowna

Staff:

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

Moved By Councillor Given/Seconded By Councillor Hodge

R791/16/10/24 THAT Council receives, for information, the report from Community Planning dated August 8th 2016, with regards to a proposed text amendment that would permit secondary suites within single family dwellings throughout the City of Kelowna and amend various secondary suite regulations including business license requirements;

AND THAT Text Amendment No. TA16-0004 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" attached to the Report from Community Planning dated August 8th 2016, be considered by Council;

AND THAT Rezoning Application No. Z16-0010 to amend City of Kelowna Zoning Bylaw No. 8000 to change the zoning classifications for all properties zoned CD6 to the zone identified in the OCP for that property (RU1, RU1H, RU4, RU4H, RU5, RU6, P3, P3LP, RM2, RM3, RM5, C2, C9, & A1), as identified in Appendix 'A' and Appendix 'B' attached to the Community Planning report dated August 8th 2016, be considered by Council;

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

AND THAT Council give reading consideration to Bylaw No. 11260 being Amendment No. 17 to Business Licence and Regulation Bylaw No. 7878.

Carried

3.4 BL11263 (TA16-0004) - Secondary Suites, City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Donn

R792/16/10/24 THAT Bylaw No. 11263 be read a first time.

Carried

3.5 BL11264 (Z16-0010) CD6 - Comprehensive Residential Golf Resort, Various Owners

Moved By Councillor Donn/Seconded By Councillor Gray

R793/16/10/24 THAT Bylaw No. 11264 be read a first time.

Carried

3.6 BL11260 - Amendment No. 17 to Business Licence and Regulation Bylaw No. 7878

Moved By Councillor Given/Seconded By Councillor Hodge

R794/16/10/24 THAT Bylaw No. 11260 be read a first, second and third time.

Carried

3.7 Arab & Appaloosa Road, OCP16-0020 - 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

R795/16/10/24 THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated October 24, 2016, from the Industrial - Limited (IND-L) designation to the Resource Protection Area (REP) designation 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 processes detailed in the Report from the Community Planning Department dated October 24, 2016, to be appropriate consultation for the *Purpose* of Section 879 of the Local Government Act.

Carried

3.8 Arab, Sexsmith and Appaloosa, BL11300 (OCP16-0019) - Various Owners

Moved By Councillor Hodge/Seconded By Councillor Given

R796/16/10/24 THAT Bylaw No. 11300 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

3.9 2310 Enterprise Way, Z16-0039 - Helen Hadley et al

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Given

R797/16/10/24 THAT Rezoning Application No. Z16-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 532 ODYD Plan 28500, located at 2310 Enterprise Way, Kelowna, BC from the I2 - General Industrial zone to the C10 - Service Commercial 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 subsequent to MOTI approval of the Zone Amending Bylaw.

Carried

3.10 2310 Enterprise Way, BL11302 (Z16-0039) Helen Hadley et al

Moved By Councillor Hodge/econded By Councillor Donn

R798/16/10/24 THAT Bylaw No. 11302 be read a first time.

Carried

3.11 460 Doyle Avenue, DP14-0093-02 - Okanagan Innovation Centre

Staff:

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

Moved By Councillor Gray/econded By Councillor Hodge

R799/16/10/24 THAT Council invites the Applicant to appear to respond to questions of Council.

Carried

Jeff Keen, Applicant

- Confirmed that the rooftop patio area outside is for tenants and their guests and will be open from 8:00 a.m. to 5:00 p.m. Monday to Friday. Would like to open to the public once security and access issues have been worked out.
- Confirmed that the interior capacity of the rooftop restaurant is 37 seats and an outdoor capacity of 298.
- We respect the community concerns and want to be a good community neighbour; have done our best to consult the neighbourhood.

- Confirmed that there is a 3,000 square foot restaurant as well as a coffee shop on the ground floor of the development.
- Responded to questions from Council

The City Manager left the meeting at 4:39 p.m. and Divisional Director, Community Planning & Real Estate acted in his place for the remainder of the meeting.

Moved By Councillor Donn/Seconded By Councillor Hodge

R800/16/10/24 THAT Council authorizes the issuance of REVISED Development Permit No. DP14-0093-02 to amend original Development Permit DP14-0093 for Lot 1 District Lot 139 ODYD Plan EPP44677 Except Air Space Plan EPP44678, located at 460 Doyle Avenue, Kelowna, BC subject to the following:

The dimensions and siting of the amendment to the rooftop space to be constructed on the land be in accordance with Schedule "A,"

The elevations and colours of the amendment to the rooftop space to be constructed on the land be in general accordance with Schedule "B";

Landscaping to be provided in general accordance with Schedule "C";

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 Stack - Opposed

Councillor Singh departed the meeting at 4.59 p.m.

4. Bylaws for Adoption (Development Related)

4.1 1251 Ladner Road, BL11257 (Z16-0021) - John Hodges

Moved By Councillor Stack/econded By Councillor Sieben

R801/16/10/24 THAT Bylaw No. 11257 be adopted.

Carried

4.2 BL11265 (TA16-0006) - Amendments to the A1t - Agriculture 1 with Agri-Tourist Accommodations

Moved By Councillor Sieben/econded By Councillor Stack

R802/16/10/24 THAT Bylaw No. 11265 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 1745 Chapman Place Revitalization Tax Exemption

Staff:

- Provided an overview of the 10-year Revitalization Tax Exemption Agreement with Ki-Low-Na Friendship Society.

Moved By Councillor Given/Seconded By Councillor Gray

R803/16/10/24 THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Ki-Low-Na Friendship Society, for Lot 2, District Lot 139, ODYD, Plan KAP92715 Except Plan EPP40150 at 1745 Chapman Place, Kelowna, BC, in the form attached to the report from the Planner Specialist and Manager, Strategic Land Development dated October 24, 2016;

AND THAT Council authorize the Manager, Strategic Land Development, to amend the lease as outlined in the report to Council from the Planner Specialist and Manager, Strategic Land Development, dated October 24, 2016;

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

Carried

5.2 Regional District of Central Okanagan Starling Control Program Service Area Establishment Bylaw

Moved By Councillor Hodge/Seconded By Councillor Gray

R804/16/10/24 THAT the City of Kelowna hereby consents to the Regional District adopting Regional District of Central Okanagan Starling Control Program Grant Service Establishment Bylaw No. 1393.

Carried

5.3 Proposed Road Closure and Sale - Portion of Road Adjacent to 4075 McClain Road

Moved By Councillor Sieben/Seconded By Councillor Donn

R805/16/10/24 THAT Council receives, for information, the Report from the Manager, Real Estate Services dated October 24, 2016, recommending that Council adopt the proposed road closure of road adjacent to 4075 McClain Road;

AND THAT Bylaw No. 11301 being proposed closure of road adjacent to 4075 McClain Road, be forwarded for reading consideration

Carried

5.4 Portion of McClain Road, BL11301 - Road Closure Bylaw

Moved By Councillor Sieben/Seconded By Councillor Stack

R806/16/10/24 THAT Bylaw No. 11301 be read a first, second and third time.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11290 - 2017 Permissive Tax Exemption Bylaw

Councillor Stack declared a conflict of interest as his employer and affiliated agencies have applied for and receive permissive tax exemptions and departed the meeting at 5:04 p.m.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R807/16/10/24 THAT Bylaw No. 11290 be adopted.

Carried

Councillor Stack rejoined the meeting at 5:04 p.m.

7. Mayor and Councillor Items

Councillor Donn:

- Displayed a video on the Okanagan Rail Trail initiative and encouraged the public to donate to the cause.
- Commented on whether the City could use social media to advertise Public Hearings.

Councillor Gray:

- Congratulated Councillor Singh on the success of the East meets West Children's Foundation Event.

Councillor Hodge:

- Spoke to the John Howard Society and United Way Boxing for Community Fundraiser event on November 3rd at the Laurel Packinghouse.

Councillor Seiben:

- Commented on the success of the East meets West Children's Foundation Event.

Councillor DeHart:

- Spoke to the DKA After 5 Event this coming Wednesday at the Laurel Packinghouse.
- Spoke to the BC Lodging Conference that was held in Kelowna last week.

Mayor Basran:

- Commented that October is Small Business Month and thanked Summerhill Wines and the Siepe family for 30 years of contributing to the community.
- Reminder that the second Imagine Kelowna public event on Tuesday, October 25th.

8. Termination

This meeting was declared terminated at 5:13 p.m.

Mayor

/acm

City Clerk