



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, October 16, 2017  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given Tracy Gray, Brad Sieben and Luke Stack\*

Members Absent Councillors Charlie Hodge and Mohini Singh

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Urban Planning Manager, Terry Barton\*; Community Planning Department Manager, Ryan Smith\*; Community Planning Supervisor, Lindsey Ganczar\*; Planner, Emily Williamson\*; Planner, Trisa Brandt\*; Planner Specialist, Adam Cseke\*; Policy & Planning Department Manager, Danielle Noble-Brandt\*; Divisional Director, Financial Services, Genelle Davidson\*; Revenue Supervisor, Angie Schumacher\*; Parks & Buildings Planning Manager, Robert Parlane\*; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist\*; Legislative Coordinator (Confidential), Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:35 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 Donn/Seconded By Councillor Gray

R820/17/10/16 THAT the Minutes of the Regular Meetings of October 2, 2017 be confirmed as circulated.

Carried

### 3. Development Application Reports & Related Bylaws

3.1 934 Grenfell Rd, Z17-0058 - Allan and Annette Lipkovits

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Donn

**R821/17/10/16** THAT Rezoning Application No. Z17-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 136 ODYD Plan 39171, located at 934 Grenfell Rd, 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 October 16, 2017.

Carried

### 3.2 934 Grenfell Rd, B11494 (Z17-0058) - Allan and Annette Lipkovits

Moved By Councillor Gray/Seconded By Councillor Donn

**R822/17/10/16** THAT Bylaw No. 11494 be read a first time.

Carried

### 3.3 440 Edith Gay Rd, Z17-0030 - Harbrinder Khangura

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Sieben

**R823/17/10/16** THAT Rezoning Application No. Z17-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Section 35, Township 26, ODYD, Plan 18660, located at 440 Edith Gay Road, Kelowna, BC from the RR3 – Rural Residential 3 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 October 16, 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

### 3.4 440 Edith Gay Rd, BL11496 (Z17-0030) - Harbrinder Khangura

Moved By Councillor Donn/Seconded By Councillor Gray

**R824/17/10/16** THAT Bylaw No. 11496 be read a first time.

Carried

### 3.5 1869 Maple St, Z17-0045 - Gregory and Linda Bauer

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor DeHart

**R825/17/10/16** THAT Rezoning Application No. Z15-0000 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 14, ODYD, Plan 2683 located at 1869 Maple Street, 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 FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to issuance of a Heritage Alteration Permit by the Director of Community Planning.

Carried

### 3.6 1869 Maple St, BL11499 (Z17-0045) - Gregory and Linda Bauer

Moved By Councillor Gray/Seconded By Councillor Donn

**R826/17/10/16** THAT Bylaw No. 11499 be read a first time.

Carried

### 3.7 9590 McCarthy Rd, Z17-0074 - 0954717 BC Ltd Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Sieben

**R827/17/10/16** THAT Rezoning Application No. Z17-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 10 and 11 Township 20 ODYD Plan KAP69077, located at 9590 McCarthy Road, Kelowna, BC from the I3 – Heavy Industrial 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 Attachment "A" attached to the Report from the Community Planning Department dated August 14, 2017.

Carried

### 3.8 9590 McCarthy Rd, BL11501 (Z17-0074) - 0954717 BC Ltd Inc.

Moved By Councillor Donn/Seconded By Councillor Gray

**R828/17/10/16** THAT Bylaw No. 11501 be read a first time.

Carried

### 3.9 1257 Rio Dr, Z17-0064 - Scott and Shelley LaHay



Staff:

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

Moved By Councillor Donn/Seconded By Councillor Given

**R829/17/10/16** THAT Rezoning Application No. Z17-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 6 Township 23 ODYD Plan 19808, located at 1257 Rio Drive, Kelowna, BC from the RR1 – Rural Residential 1 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 October 16, 2017.

**Carried**

**3.10 1257 Rio Dr. BL11502 (Z17-0064) - Scott and Shelley LaHay**

Moved By Councillor Donn/Seconded By Councillor Gray

**R830/17/10/16** THAT Bylaw No. 11502 be read a first time.

**Carried**

**3.11 505-525 Snowsell St, OCP14-0027 (BL11105) & Z14-0059 (BL11106) – Extension Request**

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Donn

**R831/17/10/16** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Amending Bylaw No. 11105 and Rezoning Amending Bylaw No. 11106, be extended from July 14, 2017 to July 14, 2018.

**Carried**

**3.12 1502 Sutherland Avenue, DP17-0161 - Randi Fox – Fox Architecture**

Staff:

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

Moved By Councillor Stack/Seconded By Councillor DeHart

**R832/17/10/16** THAT Council authorizes the issuance of Development Permit No. DP17-0161 for Lot 1, District Lot 141, ODYD Plan EPP51966, located at 1502 Sutherland Ave, 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 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 applicant complete the riparian restoration and landscaping works identified in the Natural Environment Development Permit (DP14-0230) prior to issuing any building permits on the subject property.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit applications 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

### **3.13 Mayor Basran, re: Waiving Time Limit for Reapplication**

Mayor Basran:

- Provided reasons for requesting the application be brought forward now rather than waiting six months.

Moved By Councillor Sieben/Seconded By Councillor Given

R833/17/10/16 THAT Council supports the waiving of the 6-month time limit for re-application of Development Permit and Development Variance Permit for 3626 Mission Springs Drive.

Carried

### **4. Bylaws for Adoption (Development Related)**

#### **4.1 196 Cariboo Road, BL11288 (Z16-0018) - D & S Schulz Enterprises Ltd**

Moved By Councillor Donn/Seconded By Councillor Given

R834/17/10/16 THAT Bylaw No. 11288 be adopted.

Carried

#### **4.2 840 Mayfair Rd, BL11452 (Z17-0033) - Benjamin Page -et**

Moved By Councillor Stack/Seconded By Councillor DeHart

R835/17/10/16 THAT Bylaw No. 11452 be adopted.

Carried

#### **4.3 462 Clifton Rd, BL11475 (Z17-0067) - Lawrence & Mary Berg**

Moved By Councillor Stack/Seconded By Councillor DeHart

R836/17/10/16 THAT Bylaw No. 11475 be adopted.

Carried

### **5. Non-Development Reports & Related Bylaws**

#### **5.1 Amendment to the Development Application Fees Bylaw No. 10560**

Staff:

- Provided an overview of the amendment to the Development Application Fees Bylaw.

Moved By Councillor Donn/Seconded By Councillor DeHart

**R837/17/10/16** THAT Council receives for information the Report from the Community Planning Department dated October 16, 2017;

AND THAT Council amends at third reading Bylaw No. 11445 being Amendment No. 6 to the Development Application Fees Bylaw No. 10560.

**Carried**

## **5.2 BL11445 - Amendment No. 6 to Development Applications Fees Bylaw No. 10560**

Moved By Councillor DeHart/Seconded By Councillor Stack

**R838/17/10/16** THAT Bylaw No. 11445 be amended at third reading.

**Carried**

## **5.3 Community Energy Specialist**

Staff:

- Provided an overview of the one-year contract for the Community Energy Specialist position and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Gray

**R839/17/10/16** THAT Council receives, for information, the report from the Policy and Planning Department Manager, dated October 16, 2017 with respect to a FortisBC grant for a one-year Community Energy Specialist position;

AND THAT \$100,000 in funding from the FortisBC's Climate Action Partners Pilot program form part of the 2018 Financial Plan.

**Carried**

## **5.4 2017 Late Applications for Permissive Tax Exemption**

Councillor Stack declared a conflict of interest for items 5.4, 5.5 and 5.6 as his employer applies for permissive tax exemptions and departed the meeting at 2:22 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the 2017 Municipal Tax Refund and the amendment to Council Policy No. 327.

Moved By Councillor Sieben/Seconded By Councillor Given

**R840/17/10/16** THAT Council receive for information the report of the Revenue Supervisor dated October 16, 2017 regarding late applications for the 2017 Permissive Tax Exemption program;

AND THAT Council approve the late application of the Central Okanagan Community Foodbank Society for a refund of municipal taxes in the amount of \$15,436 as outlined in the report of the Revenue Supervisor dated October 16, 2017;



AND THAT Council approve the late application of Kelowna Community Resources for a refund of municipal taxes in the amount of \$19,525 as outlined in the report of the Revenue Supervisor dated October 16, 2017;

AND THAT the 2017 municipal taxes be funded through the tax appeal reserve;

AND FURTHER THAT Council amend Council Policy No. 327 "Late Application" to provide clarity as follows: "Applications that meet the qualification requirements for permissive tax exemption that are received after the July 15<sup>th</sup> application deadline may be considered for inclusion in the Permissive Tax Exemption Bylaw to be presented to council in October of the same year. No further consideration will be given to applications received after the current year's Bylaw has been presented to council."

Carried

#### **5.5 2018 Permissive Tax Exemption Bylaw No. 11492**

Staff:

- Displayed a PowerPoint Presentation summarizing the recommended 2018 exemptions and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

**R841/17/10/16** THAT Council receives, for information, the Report from the Revenue Supervisor dated October 16, 2017 with respect to the 2018 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 11492, being the 2018 Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Carried

#### **5.6 BL11492 - 2018 Permissive Tax Exemption Bylaw**

Moved By Councillor Gray/Seconded By Councillor DeHart

**R842/17/10/16** THAT Bylaw No. 11452 receive first, second and third readings.

Carried

Councillor Stack rejoined the meeting at 2:30 p.m.

#### **5.7 Boyce-Gyro Beach Park – Original Parking Lot Restoration to Recreational Use**

Staff:

- Displayed a PowerPoint Presentation providing rationale for reclaiming the original small parking lot into recreational grass and volleyball courts and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

**R843/17/10/16** THAT Council receives for information, the report from the Parks and Buildings Planning Manger dated October 16, 2017, with respect to Boyce-Gyro Beach Park – Original Parking Lot Restoration to Recreational Use;

AND THAT Council directs staff to proceed with the restoration of the original Boyce-Gyro Beach Park small parking lot into recreational grass and volleyball courts as part of the overall scope for the Boyce-Gyro Beach Park and parking lot improvements project.

Carried

## 5.8 Proposed Road Closure Bylaw – Adjacent to 663 Gaston Avenue

Moved By Councillor Given/Seconded By Councillor Sieben

**R844/17/10/16** THAT Council receives, for information, the Report from the Manager, Real Estate Services dated October 16, 2017, recommending that council adopt the proposed closure of a portion of road adjacent to 663 Gaston Avenue;

AND THAT Bylaw No.11497, being proposed road closure of a portion of land adjacent to 663 Gaston Avenue, be given reading consideration.

Carried

## 5.9 BL11497 - Road Closure Bylaw - Portion of Lane Adjacent to Gaston Ave

Moved By Councillor DeHart/Seconded By Councillor Stack

**R845/17/10/16** THAT Bylaw No. 11497 receive first, second and third readings.

Carried

## 6. Mayor and Councillor Items

Councillor DeHart

- Thanked the Mayor and Councillors, and everyone who participated with the United Way Drive Through Breakfast and spoke to the success of the event.

Mayor Basran:

- Recognized Councillor Singh's efforts with the East Meets West Foundation's Annual Dinner and Fundraiser event held this past weekend.

Councillor Sieben:

- Expressed kudos to both Councillor DeHart and Singh on their community involvement.

Councillor Gray:

- Made comment that this week is Small Business Week and there will be seminars taking place.

Councillor Given:

- Made comment that the RCMP gratitude community celebration is being held on October 17<sup>th</sup> at the RCMP Detachment.

Mayor Basran:

- Congratulated all the winners at the Business Excellence Awards last week.
- Made comment that small businesses are a strong pillar in our community and thanked the Chamber of Commerce for another great event.

## 7. Termination

This meeting was declared terminated at 3:01 p.m.

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Mayor

/acm

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City Clerk