

CITY OF KELOWNA
REGULAR COUNCIL AGENDA
COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, OCTOBER 16, 2006

1:30 P.M.

1. CALL TO ORDER

2. Councillor Blanleil to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Ian Graham, Chair, Poverty and Homelessness Action Team of the Central Okanagan (PHAT-CO) re: Third Annual Homelessness Awareness Week – October 16-22, 2006

4. DEVELOPMENT APPLICATION REPORTS

4.1 [Rezoning Application No. Z05-0070 – H.R. Tostenson Ltd. \(Tom Smithwick, QC\) – 128 Penno Road \(BL9683\)](#)

To rezone the property to General Industrial to accommodate development of the site with a 557 m² building for use as a vehicle rental and maintenance facility.

(a) Planning & Development Services report dated September 26, 2006.

(b) **BYLAW PRESENTED FOR FIRST READING**

[Bylaw No. 9683 \(Z05-0070\)](#) - H.R. Tostenson Ltd. (Tom Smithwick) – 128 Penno Road

To rezone the property from RR3 – Rural Residential 3 to I2 – General Industrial to accommodate the development of the site with a vehicle rental/repair facility.

4.2 [Planning & Development Services Department, dated October 2, 2006 re: Rezoning Application No. Z05-0029 – Tony Balisky \(Rob Webster, D.E. Pilling & Associates Ltd.\) – 1240 Band Road \(BL9500\)](#)

To extend the deadline for adoption of the bylaw to rezone the property from A 1 – Agriculture 1 to RU1 – Large Lot Housing to facilitate a 21-lot single family subdivision.

4.3 [Planning & Development Services Department, dated October 5, 2006 re: Agricultural Land Reserve Appeal No. A06-0018 – Gellini Holdings Inc. \(Lynn Welder-Lalonde Consulting\) – 4290 Goodison Road](#)

For Council support of an appeal to the Agricultural Land Commission for approval to pursue rezoning the property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite to accommodate a suite above a 2-bay garage in an accessory building proposed for construction on the site.

4.4 [Planning & Development Services Department, dated October 4, 2006 re: Agricultural Land Reserve Appeal No. A06-0021 – Harvey & Gail Francis \(Milagro Advisory Services\) – 745 Rifle Road](#)

*To consider a staff recommendation to **not** support an appeal to the Agricultural Land Commission to exclude the 3.12 ha property from the Agricultural Land Reserve.*

4. DEVELOPMENT APPLICATION REPORTS – Cont'd

- 4.5 [Planning & Development Services Department, dated October 4, 2006 re: Agricultural Land Reserve Appeal No. A06-0022 – R118 Enterprises Ltd. and Rosa & Rocco Peretta \(Milagro Advisory Services\) – 2438 Mount Baldy Drive](#)
*To consider a staff recommendation to **not** support an appeal to the Agricultural Land Commission to exclude the 3.06 ha property from the Agricultural Land Reserve.*

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 [Inspection Services Manager, dated October 10, 2006 re: ST06-26 – Application for Stratification of Four Unit Row Housing at 421, 423, 425 & 427 Fleming Road](#)
For approval to stratify the 4-unit housing in the name of Standing Wave Holdings Inc. with no conditions.
- 5.2 [Property Manager, dated October 4, 2006 re: Kelowna Youth and Family Services Office Lease \(0870-20\)](#)
To approve a 3-year extension of the lease with SD-16 Ventures Ltd. for office space at #100 – 260 Harvey Avenue for Kelowna Youth and Family Services.
- 5.3 [Property Manager, dated September 28, 2006 re: Bylaw No. 9496 to Amend the City of Kelowna Parks and Public Spaces Bylaw No. 6819-91 \(0710-40\)](#)
To advance a bylaw for reading consideration to allow passenger ship operators to use designated city parks and docks to load and unload paying customers.
- 5.4 [Civic Properties Manager, dated September 20, 2006 re: Okanagan Gymnastic Centre \(OGC\) Expansion Loan & Lease Amendment](#)
To approve the City borrowing \$800,000 to expand the Gymnastics Centre at 375 Hartman Road and recover the loan in its entirety through lease payments over 20 years, and to instruct staff to prepare the necessary loan authorizing bylaw and initiate an Alternative Approval Process.
- 5.5 [Director of Works & Utilities, dated August 31, 2006 re: Latecomer Charges – Hawkeye Holdings Ltd. – Sexmith Road \(2250-70-78\)](#)
To impose a latecomer charge on properties benefiting from certain extended services.
- 5.6 [Director of Works & Utilities, dated September 14, 2006 re: Latecomer Charges – Pointe of View Condominium \(Quail\) \(2250-70-76\)](#)
To impose a latecomer charge on properties benefiting from certain extended services.
- 5.7 [Director of Works & Utilities, dated September 6, 2006 re: Latecomer Charges – Pacific Sun Enterprises – Gordon Drive \(2250-70-79\)](#)
To impose a latecomer charge on properties benefiting from certain extended services.
- 5.8 [Planning & Development Services Department/Crime and Safety Task Force, dated October 11, 2006 re: Increased Dispersal Times for Downtown Liquor Primary Establishments](#)
To support a half hour extension to dispersal times (from 2:30 a.m. to 3:00 a.m.) for designated nightclubs in the downtown core for a 6-month trial period.
- 5.9 [Director of Planning & Development Services, dated October 11, 2006 re: Regulations to Limit the Location and Number of Pawnshops \(7450-20\)](#)
To instruct staff to proceed with a bylaw to create the 'ps' designation for all pawnshops in the C10 Service Commercial zone.

5. NON-DEVELOPMENT APPLICATION REPORTS – Cont'd

- 5.10 [Director of Planning & Development Services, dated October 11, 2006 re: Sustainability Working Group \(6430-05\)](#)
To appoint a Sustainability Working Group to address the top priorities identified through the regional sustainability consultation (Future OK) held earlier this year.
- 5.11 [Director of Planning & Development Services Department dated October 11, 2006 and consultant's presentation re: Results of Hillside Development Audit \(6660-00\)](#)
To receive the audit and consultant recommendations and instruct staff on how to proceed.
- 5.12 [City Clerk, dated October 12, 2006 re: Alternative Approval Process – Bylaw No. 9654 – Amendment No. 1 to Mission Recreation Park \(Legacy\) Aquatic Centre Construction Loan Authorization Bylaw No. 9359](#)
To receive the Certificate of Sufficiency declaring that the elector responses were insufficient to prevent the construction loan authorization bylaw from proceeding, and advancing the bylaw for adoption consideration.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

*NOTE: Agenda items No. 6.1 to 6.4 **may** be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.*

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 [Bylaw No. 9496](#) – Amendment No. 11 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91
To allow passenger ship operators to use city parks and docks to load and unload paying customers.
- 6.2 [Bylaw No. 9555](#) – Amendment No. 8 to Traffic Bylaw No. 8120
To identify certain stretches of road where the owners or occupiers of the bordering property will be exempt from the requirement to remove snow, ice or rubbish from the sidewalk.
- 6.3 [Bylaw No. 9677](#) – Road Closure Bylaw – 1205 High Road
To remove the highway dedication from a portion of High Road.
- 6.4 [Bylaw No. 9679](#) – 2007 Permissive Tax Exemption Bylaw **requires 2/3 majority vote of Council (6)**
To exempt certain lands and improvements from taxation.

(BYLAW PRESENTED TO AMEND THE BYLAW AT THIRD READING)

- 6.5 [Bylaw No. 9680](#) – Capital News Centre Partnering Tax Exemption Bylaw **requires 2/3 majority vote of Council (6)**
To amend the bylaw to correct the roll number and plan number of the property and change the wording in the last part of #1 from “....save and except for the space occupied by Boomer's Bar and Grill under roll number 4078.315 and Pinnacle Sports Physiotherapy Kelowna under roll number 4078.317.” to “....provided that the exemption only be provided for that portion of the land or improvements used for a public purpose.”

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT) – Cont'd

(BYLAWS PRESENTED FOR ADOPTION)

- 6.6 [Bylaw No. 9654](#) – Amendment No. 1 to Mission Recreation Park (Legacy) Aquatic Centre Construction Loan Authorization Bylaw No. 9359
To amend the bylaw to increase the authorized borrowing limit from \$20,000,000.00 to \$29,500,000.00 and to update the name of the bylaw.
- 6.7 [Bylaw No. 9681](#) – Road Closure and Removal of Highway Dedication Bylaw - Chute Lake Road off South Perimeter Way **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward**
To permanently close and remove the highway dedication from a portion of Chute Lake Road.

7. COUNCILLOR ITEMS

(Committee Updates)

8. TERMINATION