

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

**MONDAY, JULY 9, 2007**

1:30 P.M.

1. CALL TO ORDER
2. Councillor Day to check the minutes of the meeting.
3. PUBLIC IN ATTENDANCE
  - 3.01 Governor General's Certificate of Commendation Recipient – Steve (Sukhjit) Jagpal and Governor General's Caring Canadian Award Recipient – Norma Evelyn Selbie
  - 3.02 The Reverend Heather Karabelas, Inn from the Cold Steering Committee re: Kelowna Final Report May 2007
4. DEVELOPMENT APPLICATION REPORTS
  - 4.01 Planning & Development Services Department, dated June 27, 2007 re: Agricultural Land Reserve Appeal No. A07-0008 – Porter Ramsay Lawyers (John and Marie Murphy) – 1460 Gibson Road  
*To consider a staff recommendation NOT to support an appeal to the Agricultural Land Commission for exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act.*
  - WITHDRAWN BY APPLICANT** 4.02 Planning & Development Services Department, dated June 26, 2007 re: Agricultural Land Reserve Application No. ALR07-0012 – Danco Developments Ltd. (Gary Feeny) – 1650 KLO Road  
*To consider a staff recommendation NOT to support an application to the Agricultural Land Commission for exclusion of the subject property from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act.*
  - 4.03 Planning & Development Services Department, dated June 26, 2007 re: Agricultural Land Reserve Application No. A07-0014 – Milagro Advisory Services Inc. (Tommy and Sandra Ann Josaissen) – 1305 Highway 33  
*To consider a staff recommendation NOT to support an application to the Agricultural Land Commission to subdivide within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act.*

- 4.04 Planning & Development Services Department, dated June 26, 2007 re: Agricultural Land Reserve Application No. A07-0013 – 0720888 B.C. Ltd. – 840 Old Vernon Road  
*To consider a staff recommendation to support an application to the Agricultural Land Commission to allow a non-farm use to permit the conversion of the existing single family dwelling to a secondary suite in an accessory building pursuant to Section 20(3) of the Agricultural Land Commission Act.*
- 4.05 Planning & Development Services Department, dated June 25, 2007 re: Rezoning Application No. Z07-0008 – 0758587 BC Ltd. (S2 Architecture) – 290 and 200 Asher Road and 315 McIntosh Road  
*To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.*
- (a) Planning & Development Services report dated June 25, 2007.
- (b) **BYLAW PRESENTED FOR FIRST READING**
- Bylaw No. 9831 (Z07-0008) – 0758587 BC Ltd. (S2 Architecture) – 290 and 200 Asher Road and 315 McIntosh Road  
*To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.*
- 4.06 Planning & Development Services Department, dated June 21, 2007 re: Rezoning Application No. Z07-0032 – Melcor Lakeside Inc. (Stantec Consulting Ltd.) – West of Black Mountain Drive  
*To rezone a portion of the subject property from RU1s – Large Lot Housing with Secondary Suite (Hillside Area) zone to P4 – Utilities zone to permit construction of a water booster station and reservoir.*
- (a) Planning & Development Services report dated June 21, 2007.
- (b) **BYLAW PRESENTED FOR FIRST READING**
- Bylaw No. 9825 (Z07-0032) – Melcor Lakeside Inc. (Stantec Consulting Ltd.) – West of Black Mountain Drive  
*To rezone a portion of the subject property from RU1s – Large Lot Housing with Secondary Suite (Hillside Area) zone to P4 – Utilities zone.*
- 4.07 Planning & Development Services Department, dated June 25, 2007 re: Rezoning Application No. Z07-0045 – Rafael Augusto Carreras and Cornelia Bujara – 2575 Harvard Road  
*To rezone the subject property from A1 – Agriculture 1 zone to A1s – Agriculture 1 with Secondary Suite zone in order to allow for a suite in an accessory building.*
- (a) Planning & Development Services report dated June 25, 2007.

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

Bylaw No. 9830 (Z07-0045) – Rafael Augusto Carreras and Cornelia Bujara – 2575 Harvard Road  
*To rezone the subject property from A1 – Agriculture 1 zone to A1s – Agriculture 1 with Secondary Suite zone.*

- 4.08 Planning & Development Services Department, dated June 25, 2007 re: Rezoning Application No. Z07-0033 – Elizabeth and Roy Lycar – 577 Rose Avenue

*To rezone the subject property from P2 – Educational and Minor Institutional zone to RU6 – Two Dwelling Housing zone.*

- (a) Planning & Development Services report dated June 25, 2007.

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

Bylaw No. 9829 (Z07-0033) – Elizabeth and Roy Lycar – 577 Rose Avenue  
*To rezone the subject property from P2 – Educational and Minor Institutional zone to RU6 – Two Dwelling Housing zone.*

- 4.09 Planning & Development Services Department, dated June 28, 2007 re: Rezoning Application No. Z07-0023 – Ed and Christina Schnellert – 170 Hardie Road

*To rezone the subject property from RU1 – Large Lot Housing zone to RU2 – Medium Lot Housing zone in order to allow for a two-lot subdivision.*

- (a) Planning & Development Services report dated June 28, 2007.

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

Bylaw No. 9827 (Z07-0023) – Ed and Christina Schnellert – 170 Hardie Road  
*To rezone the subject property from RU1 – Large Lot Housing zone to RU2 – Medium Lot Housing zone.*

- 4.10 Planning & Development Services Department, dated June 25, 2007 re: Rezoning Application No. Z05-0033 – Watermark Developments Ltd. (John Hertay) – 285 Arab Road and 2960 Appaloosa Road

*To rezone a portion of the subject properties from A1 – Agriculture 1 zone to RU2s – Medium Lot Housing with Secondary Suite zone and P3 – Parks and Open Space zone and P4 – Utilities zone to facilitate the development of a 129 lot single family residential with secondary suite subdivision.*

- (a) Planning & Development Services report dated June 25, 2007.

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

Bylaw No. 9828 (Z05-0033) – Watermark Developments Ltd. (John Hertay) – 285 Arab Road and 2960 Appaloosa Road  
*To rezone a portion of the subject properties from A1 – Agriculture 1 zone to RU2s – Medium Lot Housing with Secondary Suite zone and P3 – Parks and Open Space zone and P4 – Utilities zone.*

- 4.11 Planning & Development Services Department, dated June 27, 2007 re: Rezoning Application No. Z07-0051 (Z06-0048) – MKS Resources Inc. – 529 Martin Road, 3869, 3879, 3889-3899 Truswell Road  
*To rezone the subject properties from RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to C9 – Tourist Commercial zone to permit the development of an apartment hotel.*

(a) Planning & Development Services report dated June 27, 2007.

(b) **BYLAW TO BE RESCINDED AND PRESENTED FOR AMENDMENT AT FIRST READING**

Bylaw No. 9753 (Z06-0048) – MKS Resources Inc. - 529 Martin Road, 3869, 3879, 3889-3899 Truswell Road  
*To rescind Bylaw No. 9753 at second and third reading; To amend Bylaw No. 9753 at first reading to add the Reference to application Z07-0051, to amend the legal description and to add the parcel created by the closure of the adjacent Martin Road.*

- 4.12 Planning & Development Services Department, dated June 27, 2007 re: Official Community Plan Amendment No. OCP07-0010 and Rezoning Application No. Z07-0027 – T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 and 1596 Dickson Avenue  
*To change the Future Land Use designations of the subject properties from the “Multiple Unit Residential – Low Density” designation to the “Medium Density” designation; To rezone the subject property from RU1 – Large Lot Housing zone to RM5 – Medium Density Multiple Housing zone to allow for the construction of a 4 ½ storey, 87 unit apartment building.*

(a) Planning & Development Services report dated June 27, 2007.

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

(i) Bylaw No. 9832 (OCP07-0010) – T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 and 1596 Dickson Avenue – **Requires a majority of all Members of Council (5)**  
*To change the Future Land Use designations of the subject properties from the “Multiple Unit Residential – Low Density” designation to the “Medium Density” designation.*

(ii) Bylaw No. 9833 (Z07-0027) - T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 and 1596 Dickson Avenue  
*To rezone the subject property from RU1 – Large Lot Housing zone to RM5 – Medium Density Multiple Housing zone.*

5. BYLAWS (ZONING & DEVELOPMENT)

5.01 (BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING)

- (a) Bylaw No. 9822 (OCP07-0012) – No. 21 Great Projects Ltd. (Runnalls Denby & Associates) – 865 Paret Road – **Requires a majority of all Members of Council (5)**  
*To amend Bylaw No. 9822 at first reading by adding Map “A” in order to indicate the portions of the subject property that are affected by the Future Land Use Designation change from Single/Two Unit Residential to Public Services/Utilities Designation.*
- (b) Bylaw No. 9823 (Z07-0031) - No. 21 Great Projects Ltd. (Runnalls Denby & Associates) – 865 Paret Road  
*To amend Bylaw No. 9823 at first reading by adding reference to A1 – Agriculture zone as one of the zones on the subject property that is being rezoned to P4 – Utilities zone; and adding Map “A” in order to indicate the portions of the subject property that are being rezoned from RR1, RU1 and A1 to RU1 and P4 zones.*

5.02 (BYLAW PRESENTED FOR ADOPTION)

Bylaw No. 9634 (LUC06-0001) – John and Joyce Madsen (John Madsen) – 600-602 Bolotzky Court  
*To discharge Land Use Contract No. 76-1077*

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.01 Community Planning Manager, dated July 4, 2007 re: Federal Tax Recommendations Affecting Rental Housing  
*To authorize a letter to be sent on behalf of the Mayor and Council to MLAs, MPs, Minister Monte Solberg and Minister Rich Coleman to recommend that action be taken to promote increased building of rental housing.*
- 6.02 Transportation Manager, dated July 3, 2007 re: 2007/08 Kelowna Regional Conventional and Custom Transit Annual Operating Agreements – Amendment #1 Premises Owned or Leased by BC Transit  
*To approve Amendment #1 to the Annual Operating Agreements for Kelowna Regional Conventional and Custom Transit.*
- 6.03 Transportation Manager, dated July 4, 2007 re: Co-Hosting of National Transit Organization  
*To approve co-hosting of the 2007 Executive Meeting of the Canadian Urban Transit Association with BC Transit in Kelowna.*
- 6.04 Environmental and Solid Waste Manager, dated July 3, 2007 re: Pesticide Reduction Strategy  
*To receive the staff report summarizing the findings from Environmental Division Staff and the Pesticide Bylaw Staff Advisory Committee; To endorse Option 1 and direct staff to proceed with a survey of Kelowna residents to establish baseline data of pesticide use in the community.*

7. RESOLUTIONS

- 7.01 Draft Resolution re: Appointment to the Airport Advisory Committee  
*To appoint Kent LaFleur as the Westbank & District Chamber of Commerce representative to the Airport Advisory Committee.*

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 8.01 Bylaw No. 9826 – Amendment No. 15 to the Airport Fees Bylaw No. 7982  
*To approve an increase to the Airport Improvement Fees.*

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.02 Bylaw No. 9817 – Board of Variance Bylaw  
*To establish and set procedures for the Board of Variance.*
- 8.03 Bylaw No. 9819 – Amendment No. 20 to Development Application Fees Bylaw No. 8034  
*To approve an increase to the Board of Variance application fee.*
- 8.04 Bylaw No. 9820 – Amendment No. 2 to Council Procedure Bylaw No. 9200 –  
**Mayor to invite anyone in the public gallery who deems themselves affected by this Bylaw to come forward**  
*To amend Council Procedure Bylaw No. 9200 in order to add Committee Reports as an Agenda item.*

9. COUNCILLOR ITEMS (including Committee Updates)

10. TERMINATION