

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, NOVEMBER 3, 2008

1:30 P.M.

1. CALL TO ORDER
2. Councillor Blanleil to check the minutes of the meeting.
3. PUBLIC IN ATTENDANCE
 - 3.01 Art Brown, Ed Dickin and Terry Sparboom, Kelowna Veendam Sister City Association, re: [Cenotaph Improvement Project](#)
 - 3.02 Renata Mills, Executive Director, Festivals Kelowna, re: [The Kelowna Music & Arts Festival](#)
4. UNFINISHED BUSINESS

BYLAWS CONSIDERED AT THE OCTOBER 28, 2008 PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

- 4.01 [Bylaw No. 10073 \(OCP08-0015\)](#) – Harley & Joan Gariepy (Harley Gariepy) – 1990 Raisanen Road – **Requires a majority of all Members of Council (5)**
To change the future land use designation of the subject property from the “Multiple Unit Residential Low Density Housing” designation to the “Single/Two Unit Residential” designation.
- 4.02 [Bylaw No. 10074 \(Z08-0052\)](#) – Harley & Joan Gariepy (Harley Gariepy) – 1990 Raisanen Road
To rezone the subject property from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
- 4.03 [Bylaw No. 10079 \(Z07-0063\)](#) – Robert Anderson (Roblyn Developments Ltd.) – 1000 Graham Road
To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

- 4.04 [Bylaw No. 10080 \(OCP07-0024\)](#) – Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road; 6060 Spencer Road (Various Addresses) – **Requires a majority of all Members of Council (5)**
To apply the future land use designation of “Commercial, Major Park/Open Space, Single/Two Unit Residential” to the subject properties.
- 4.05 [Bylaw No. 10081 \(Z07-0074\)](#) – Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road; 6060 Spencer Road (Various Addresses)
To rezone the subject properties from the RC1 – Compact Housing, C3 – Gasoline Service Station and P1 – Park and Open Space zones to the RU5 – Bareland Strata Housing, C1 – Local Commercial and P3 – Parks and Open Space zones.
- 4.06 [Bylaw No. 10084 \(Z08-0056\)](#) – Jason Moore & Yvette Toews – 5110 Chute Lake Crescent
To rezone the subject property from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone.
- 4.07 [Bylaw No. 10087 \(Z08-0045\)](#) – Tommy & Sandra Ann Josiassen (Milagro Advisory Services Inc.) – 1305 Highway 33
To rezone the subject property from the A1 – Agriculture 1 zone to the RR2 – Rural Residential 2 zone.
- 4.08 [Bylaw No. 10089 \(Z08-0063\)](#) – Robert & Dayna Selby – 664 Balsam Road
To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.
- 4.09 [Bylaw No. 10090 \(Z07-0016\)](#) – National Society of Hope & Jabs Construction Ltd. (National Society of Hope) – 2059-2129 & 2175 Benvoulin Court and 2170 Benvoulin Road
To rezone portions of the subject properties from the A1 – Agriculture 1 zone to the RM5 – Medium Density Multiple Housing zone.
- 4.10 [Bylaw No. 10092 \(Z08-0078\)](#) – Robert & Cathy Schuh – 808 Lone Pine Drive
To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.
- 4.11 [Bylaw No. 10094 \(Z07-0088\)](#) – B.H.K.T. Holdings Ltd. (Protech Consultants Ltd.) – 5020 Killdeer Road
To rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata zone.
- 4.12 [Bylaw No. 10095 \(Z08-0069\)](#) – 0709128 BC Ltd. (Protech Consultants Ltd.) – 128 & 158 Penno Road
To rezone the subject properties from the RR3 – Rural Residential 3 zone to the I2 – General Industrial zone.
- 4.13 [Bylaw No. 10096 \(Z08-0054\)](#) – Ramen Ahuja – 200 Ponto Road
To rezone the subject property from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone.

- 4.14 [Bylaw No. 10097 \(OCP07-0031\)](#) – Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) – 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road – **Requires a majority of all Members of Council (5)**
To change the future land use designations of portions of the subject properties from the “Future Urban Reserve”, “Commercial”, “Public Services/Utilities” and “Private Recreation” designations to the “Future Urban Reserve”, “Commercial” and “Private Recreation” designations.
- 4.15 [Bylaw No. 10098 \(TA07-0006\)](#) - Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) – 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road
To make minor amendments to the CD18 zone.
- 4.16 [Bylaw No. 10100 \(Z08-0061\)](#) – Kusam, Sandip & Renu Khurana and Varinder Grover (Chilka Lake Properties Inc.) – 265 & 275 Ponto Road
To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM1 – Four-Dwelling Housing zone.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

- 4.17 [Bylaw No. 10091 \(Z08-0077\)](#) – Architecturally Distinct Solutions – 893 Hewetson Avenue
To rezone the subject property from the RU1h – Large Lot Housing (Hillside Area) zone to the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone.
5. DEVELOPMENT APPLICATION REPORTS
- 5.01 Planning & Development Services Department, dated October 14, 2008, re: [Agricultural Land Reserve Appeal Application No. A08-0011 – John & Henriette Faber – 1779 Rutland Road North](#)
To consider a staff recommendation NOT to support an application to the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use to allow greenhouses on a portion of the property to be converted and utilized for RV and boat storage.
- 5.02 Planning & Development Services Department, dated October 3, 2008, re: [Rezoning Application No. Z08-0079 – Sherry & Michael Belanger – 4150 McClain Road \(B/L10112\)](#)
To rezone the subject property from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone to allow for a secondary suite within a mobile home.
- (a) [Planning & Development Services report dated October 3, 2008.](#)

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

[Bylaw No. 10112 \(Z08-0079\)](#) – Sherry & Michael Belanger – 4150 McClain Road

To rezone the subject property from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone.

- 5.03 Planning & Development Services Department, dated October 23, 2008, re: Rezoning Application No. Z08-0075 – Paula Craig (K. Kingston) – 1870 Maple Street (B/L 10113)

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to establish a secondary suite in an existing accessory building.

- (a) [Planning & Development Services report dated October 3, 2008.](#)

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

[Bylaw No. 10113 \(Z08-0075\)](#) – Paula Craig (K. Kingston) – 1870 Maple Street

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

- 5.04 Planning & Development Services Department, dated October 23, 2008, re: Rezoning Application No. Z08-0093 – Shelley Nicholl-Smith – 1441 Flemish Street (B/L 10111)

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to construct a secondary suite within an existing dwelling.

- (a) [Planning & Development Services report dated October 3, 2008.](#)

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

[Bylaw No. 10111 \(Z08-0093\)](#) – Shelley Nicholl-Smith – 1441 Flemish Street

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

- 5.05 Planning & Development Services Department, dated October 22, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP08-0023 and Rezoning Application No. Z08-0089 – School District No. 23, Central Okanagan (MQN Architects) – 4534 Gordon Drive (B/L 10114 & B/L 10115)

To change the future land use designation of the subject property from the “Single/Two Unit Residential” designation to the “Educational/Major Institutional” designation; To rezone the subject property from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone to allow for the placement of a portable annex.

- (a) [Planning & Development Services report dated October 22, 2008.](#)

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

- (i) [Bylaw No. 10114 \(OCP08-0023\)](#) – School District No. 23, Central Okanagan (MQN Architects) – 4534 Gordon Drive – **Requires a majority of all Members of Council (5)**
To change the future land use designation of the subject property from the “Single/Two Unit Residential” designation to the “Educational/Major Institutional” designation.
- (ii) [Bylaw No. 10115 \(Z08-0089\)](#) – School District No. 23, Central Okanagan (MQN Architects) – 4534 Gordon Drive
To rezone the subject property from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone.

- 5.06 Planning & Development Services Department, dated October 28, 2008, Re: [Official Community Plan Bylaw Amendment Application No. OCP06-0005 and Rezoning Application No. Z06-0024 – Cara Glen Estates Ltd. – 1490 Cara Glen Way & 530 Caramillo Court](#)
To extend the deadline for adoption of Official Community Plan Amendment Bylaw No. 9787 and Zone Amending Bylaw No. 9788 from June 12, 2008 to December 12, 2008.

6. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAW PRESENTED FOR ADOPTION)

- 6.01 [Bylaw No. 10075 \(Z08-0065\)](#) – Gurdev & Parmjit Sra (Gurdev Sra) – 1285 Tanemura Crescent
To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

7. **NON-DEVELOPMENT APPLICATION REPORTS**

- 7.01 Planner Specialist, dated October 22, 2008, re: [OCP Review Phase 1](#)
To receive the Report of the Planning & Development Services Department dated October 22, 2008 for information; To refer the Kelowna 2030 OCP Review – Phase 1 for on-going public stakeholder and staff review.
- 7.02 Manager, Community Development & Real Estate, dated October 29, 2008, re: [Cancer Center – License of Occupation \(Strathcona Parking Lot\)](#)
To authorize the Manager, Community Development & Real Estate to enter into a License of Occupation with The Cancer Center of the Southern Interior.
- 7.03 Urban Forestry Supervisor, dated October 23, 2008, re: [Amendments to City Bylaws for Management of Feral Rabbits](#)
To forward Bylaw No. 10032 – Amendment No. 14 to Parks and Public Spaces Bylaw No. 6819-91, Bylaw No. 10033 – Amendment No. 5 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 and Bylaw No. 10034 – Amendment No. 73 to Ticket Information Utilization Bylaw No. 6550-89 for reading consideration.

- 7.04 Sport & Recreation Manager, dated October 28, 2008, re: [2012 BC & 2015 Canada Winter Games](#)
To consider initiating a bid to host the 2012 BC Winter Games.
- 7.05 Sport & Recreation Manager, dated October 28, 2008, re: [IMG Canada – Event Permit](#)
To endorse the Outdoor Event Committee’s continued consideration and processing of an Outdoor Event Application with IMG Canada.
- 7.06 Sport & Recreation Manager, dated October 27, 2008, re: [UBCM Grant – Event Strategy](#)
To approve the changes in scope to the UBCM Grant – Community Tourism Program, Development of an Event Hosting Strategy.
- 7.07 Sport & Recreation Manager, dated October 27, 2008, re: [2008 World Arm Wrestling Championships](#)
To approve \$5,000.00 in funding from the Sports Event Development Grant as support towards the 2008 World Arm Wrestling Championships.
- 7.08 City Clerk, dated October 28, 2008, re: [Sister City Report](#)
To receive, for information, the “Going Global A Review of Kelowna’s International Municipal Partnership Opportunities”.

8. RESOLUTIONS

- 8.01 City Clerk, dated October 28, 2008, re: [Draft Resolution – Cancellation of the December 23, 2008 Public Hearing & Regular Meeting](#)

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

*NOTE: Agenda items No. 9.01 to 9.03 **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)

- 9.01 [Bylaw No. 10032](#) – Amendment No. 14 to the Parks and Public Spaces Bylaw No. 6819-91
To amend Parks and Public Spaces Bylaw No. 6819-91 by deleting Section 3.10 and replacing it with a new Section 3.10.
- 9.02 [Bylaw No. 10033](#) – Amendment No. 5 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82
To amend Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 by amending Section 1 – Definitions, Section 2 – Regulations, Section 4 – Impounding of Animals, Section 5 – Notice of Impounding, Section 6 – Sale of Impounded Animals, Section 7 – Proceeds of Sale and Section 8 – General Provisions.

9.03 [Bylaw No. 10034](#) – Amendment No. 73 to Ticket Information Utilization Bylaw No. 6550-89

To amend Ticket Information Utilization Bylaw No. 6550-89 by deleting Schedule 17 – Animal & Poultry Regulation and Animal Pound Bylaw No. 5421-82 in its entirety and replacing it with a new Schedule 17.

10. COUNCILLOR ITEMS

10.01 Mayor Shepherd, re: Noisy Boats on Okanagan Lake

11. TERMINATION