

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, JUNE 15, 2009

1:30 P.M.

1. CALL TO ORDER
2. Councillor James to check the minutes of the meeting.
3. PUBLIC IN ATTENDANCE
  - 3.1 Rob Steenwyk, re: [Presentation of Certificate of Commendation](#)
  - 3.2 Evelien Vermue, Veendam Exchange Student re: Overview of Exchange Student Experience
  - 3.3 Renata Mills, Executive Director, Festivals Kelowna, re: [A Review of 2008 & Preview of 2009](#)
4. COMMITTEE REPORTS
  - 4.1 City Clerk, dated June 4, 2009, re: [Audit Committee Terms of Reference](#)  
*To receive, for information, the Report of the City Clerk dated June 4, 2009; To endorse the revised Terms of Reference for the Audit Committee.*
  - 4.2 City Clerk, dated June 4, 2009, re: [Council Appointments to Committees](#)  
*To rescind the appointment of Councillor Stack to the Accessibility Advisory Committee; To appoint Councillor Hodge to the Accessibility Advisory Committee; To appoint Councillor Rule to the Committee to End Homelessness; To appoint Councillor Stack to the Committee to End Homelessness.*
5. DEVELOPMENT APPLICATION REPORTS
  - 5.1 Community Sustainability Division, dated June 2, 2009, re: [Agricultural Land Reserve Appeal Application No. A09-0001 – Arjan Poonian \(Protech Consultants Ltd.\) – 781 Wallace Road](#) **Mayor to invite the Applicant or Applicant's Representative to come forward.**  
*To consider a staff recommendation NOT to approve an application to the Agricultural Land Commission under Section 30(1) of the Agricultural Land Commission Act to exclude a portion of the subject property from the Agricultural Land Reserve.*

- 5.2 Community Sustainability Division, dated June 4, 2009, re: [Agricultural Land Reserve Appeal Application No. A09-0003 – Elmo & Emma Rantucci – 2590-2620 Sexsmith Road](#)  
*To approve an application to the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act to complete a homesite severance subdivision.*
- 5.3 Community Sustainability Division, dated May 25, 2009, re: [Rezoning Application No. Z08-0014 – Elizabeth & Armogan Odiyar – 380 Taylor Road](#)  
*To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone in order to construct a second single-detached dwelling on the subject property.*
- (a) [Community Sustainability Division report dated May 25, 2009.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10209 \(Z08-0014\)](#) – Elizabeth & Armogan Odiyar – 380 Taylor Road  
*To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.*
- 5.4 Community Sustainability Division, dated May 29, 2009, re: [Text Amendment Application No. TA09-0003 – City of Kelowna](#)  
*To consider a text amendment to add “participant recreation services, indoor” as a principal use to the Industrial Areas in the Airport Business Park as noted on CD15 Map 1.*
- (a) [Community Sustainability Division report dated May 29, 2009.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10208 \(TA09-0003\)](#) – City of Kelowna – Amendment to the CD15 – Schedule “B” – Comprehensive Development zone  
*To amend Section 2 and Schedule “B” to add “participant recreation services, indoor” to the CD15 Airport Business Park zone.*
- 5.5 Community Sustainability Division, dated June 4, 2009, re: [Land Use Contract Application No. LUC09-0002 – WGP-241 Holdings Ltd. – 2009-2015 Enterprise Way](#)  
*To consider discharging Land Use Contract No. 77-1028 for Lot 1, Plan 27785 located on Enterprise Way, Kelowna, BC.*
- (a) [Community Sustainability Division report dated June 4, 2009.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10210 \(LUC09-0002\)](#) – WGP-241 Holdings Ltd. – 2009-2015 Enterprise Way  
*To discharge Land Use Contract No. LUC77-1028 from the title to Lot 1, Plan 27785.*

- 5.6 Community Sustainability Division, dated May 28, 2009, re: [Official Community Plan Bylaw Amendment Application No. OCP09-0009 and Rezoning Application No. Z09-0026 – Cedar Creek Developments Ltd., 0775362 BC Ltd. and Kettle Valley Holdings Ltd. \(Protech Consultants Ltd.\) – \(S of\) South Perimeter Way, \(W of\) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road](#)  
*To change the future land use designation of a portion of the subject property from the “Major Park/Open Space” designation to the “Single/Two Unit Residential” designation; To rezone a portion of the subject properties from the A1 – Agriculture 1 zone to the CD2 – Kettle Valley Comprehensive Residential Development zone; from the CD2 – Kettle Valley Comprehensive Development zone to the RU1 – Large Lot Housing zone; and from the RU1 – Large Lot Housing zone to the CD2 – Kettle Valley Comprehensive Residential Development zone in order to recognize housekeeping amendments necessary to reconcile the edge of the CD2 – Kettle Valley Comprehensive Residential Development with neighbouring properties.*
- (a) [Community Sustainability Division report dated May 28, 2009.](#)
- (b) **BYLAWS PRESENTED FOR FIRST READING**
- (i) [Bylaw No. 10211 \(OCP09-0009\)](#) – Cedar Creek Developments Ltd., 0775362 BC Ltd. and Kettle Valley Holdings Ltd. - (S of) South Perimeter Way, (W of) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road – **Requires a majority of all Members of Council (5)**  
*To change the future land use designation of a portion of the subject property from the “Major Park/Open Space” designation to the “Single/Two Unit Residential” designation.*
- (ii) [Bylaw No. 10212 \(Z09-0026\)](#) - Cedar Creek Developments Ltd., 0775362 BC Ltd. and Kettle Valley Holdings Ltd. - (S of) South Perimeter Way, (W of) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road  
*To rezone a portion of the subject properties from the A1 – Agriculture 1 zone to the CD2 – Kettle Valley Comprehensive Residential Development zone; from the CD2 – Kettle Valley Comprehensive Development zone to the RU1 – Large Lot Housing zone; and from the RU1 – Large Lot Housing zone to the CD2 – Kettle Valley Comprehensive Residential Development zone.*
- 5.7 Community Sustainability Division, dated May 12, 2009, re: [Heritage Alteration Permit Application No. HAP09-0005 – City of Kelowna \(Hugh Bitz\) – 1825 Richter Street](#)  
*To authorize the issuance of a Heritage Alteration Permit for various foundation and waterproofing improvements.*
- 5.8 Director, Real Estate & Building Services, dated June 10, 2009, re: [BC Housing Initiative \(Tutt St. Place – N.O.W. Canada\) – Progress Report](#)  
*To receive, for information, the report of the Director, Real Estate & Building Services, dated June 10, 2009; To support the proposed No-Net-Loss Parking Plan; To direct staff to implement the No-Net-Loss Parking Plan; To reconfirm*

*Council's previous direction to staff to proceed with a parking study in 2009 for the Pandosy Town Centre; To direct staff to explore additional parking options for the Pandosy Town Centre.*

- 5.9 Community Sustainability Division, dated April 24, 2009, re: [Development Permit Application No. DP08-0234 – City of Kelowna \(Philip Macdonald Architect\) – 2955 Pandosy Street](#)  
*To authorize the issuance of a Development Permit for the form and character of the proposed 4 storey, 39-unit mixed-use supporting housing building.*

6. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.1 Community Sustainability Division, dated May 20, 2009, re: [Rezoning Application No. Z05-0041 – Georg-Michael Holzhey Ltd. & Gaboury Holdings Inc. \(Georg-Michael Holzey Ltd.\) – 205 & 210 Lougheed Road \(formerly 2630 Hollywood Road\)](#)  
*To consider final adoption of Bylaw No. 9691.*
- (a) [Community Sustainability Division report dated May 20, 2009.](#)
- (b) **BYLAW PRESENTED FOR ADOPTION**
- [Bylaw No. 9691 \(Z05-0041\)](#) – Georg-Michael Holzhey Ltd. – 205 & 210 Lougheed Road (formerly 2630 Hollywood Road)  
*To rezone the subject property from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone.*
- 6.2 [Bylaw No. 10063 \(Z08-0008\)](#) – Ann Allan Holdings Inc. – 300 Penno Road  
*To rezone the subject property from the RR3 – Rural Residential 3 zone to the I2 – General Industrial zone.*
- 6.3 [Bylaw No. 10077 \(OCP07-0037\)](#) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road – **Requires a majority of all Members of Council (5)**  
*To change the future land use designation of a portion of the subject property from the “Rural/Agricultural” designation to the “Public Services/Utilities” designation.*
- 6.4 [Bylaw No. 10078 \(Z07-0107\)](#) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road  
*To rezone a portion of the subject property from the A1 – Agriculture 1 zone to the P4 – Utilities/Rural/Agricultural zone.*
- 6.5 [Bylaw No. 10152 \(Z08-0099\)](#) – Ruth & Mohammed Umran (Ruth Umran) – 1045 El Paso Road  
*To rezone the subject property from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone.*

- 6.6 Community Sustainability Division, dated June 10, 2009, re: Mission Creek Mountain Bike Skills Park – 1960 Hollywood Road South  
*To consider final adoption of Bylaw No. 10171; To receive, for information, the updated plans for the Mission Creek Mountain Bike Skills Park.*
- (a) [Community Sustainability Division report dated June 10, 2009.](#)
- (b) **BYLAW PRESENTED FOR ADOPTION**
- [Bylaw No. 10171 \(Z09-0006\)](#) – City of Kelowna – 1960 Hollywood Road South  
*To rezone the subject property from the RU1 – Large Lot Housing zone to the P3 – Parks and Open Space zone.*
- 6.7 [Bylaw No. 10180 \(HRA09-0002\)](#) – Davara Holdings Ltd. (Dustin Sargent) – 311 Borden Avenue  
*To enter into a Heritage Revitalization Agreement to allow changes to the use and layout of the existing heritage structure.*
- 6.8 [Bylaw No. 10181 \(Z09-0016\)](#) – 696617 BC Ltd. (Ken & Barbara Redlick) – 1310 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

- 7.1 Community Sustainability Division, dated June 5, 2009, re: [Sensitive Ecosystems Inventory: Kelowna 2007; Sensitive Habitat Inventory and Mapping – 2008 – Volume 3 and Wetland Inventory, Classification, Evaluation and Mapping](#)  
*To receive, for information, the Sensitive Ecosystems Inventory: Kelowna 2007; Sensitive Habitat Inventory and Mapping – 2008 – Volume 3 and Wetland Inventory, Classification, Evaluation and Mapping; To endorse the Sensitive Ecosystems Inventory: Kelowna 2007; Sensitive Habitat Inventory and Mapping – 2008 – Volume 3 and Wetland Inventory, Classification, Evaluation and Mapping.*
- 7.2 Airport Director, dated June 9, 2009, re: [Airport Use Agreement for 1263343 Alberta Inc. dba Enerjet – Kelowna International Airport](#)  
*To approve the Air Carrier Airport Use Agreement allowing 1263343 Alberta Inc. dba Enerjet to operate at the Kelowna International Airport.*
- 7.3 Airport Director, dated June 4, 2009, re: [Consent to Second Mortgage of Sub-Lease – 600897 BC Ltd. – Kelowna International Airport](#)  
*To consent to two (2) Mortgages of Sub-Lease between 600897 BC Ltd.(Carson Air) and the Canadian Imperial Bank of Commerce.*
- 7.4 Director, Design & Construction Services, dated June 5, 2009, re: [Award of Construction Contract TE09-03 – Glenmore Road Bypass 2 & 3 – Dallas Road to Scenic Road](#)  
*To receive, for information, the Report from the Director, Design & Construction Services, dated June 5, 2009; To aware the contract for the construction of the*

*Glenmore Road Bypass 2 & 3 (Dallas Road to Scenic Road) in the amount of \$7,837,634.18, including GST.*

- 7.5 City Clerk, dated June 3, 2009, re: [Regulation of the Sale of Graffiti Tools](#)  
*To direct staff NOT to proceed with drafting a bylaw regulating the sale of graffiti tools; To authorize the Mayor to write to the Provincial government encouraging an amendment to the Community Charter that would provide municipalities the ability to regulate the sale of graffiti tools.*

8. MAYOR & COUNCILLOR ITEMS

- 11.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

9. TERMINATION