

# Memo



Date: March 9, 2010  
File: 0920-20-004  
To: City Manager  
From: Director, Real Estate & Building Services  
Subject: CD Zone #21

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## Recommendation:

THAT Council receive for information the report of March 9, 2010, from the Director of Real Estate & Building Services;

AND THAT Council direct staff to bring forward a comprehensive report, for presentation via a Council workshop on March 29, 2010, re: the history of the CD Zone #21 ("CD#21"), the consultation process to date, the mechanics of the plan and the previous community concerns that were addressed prior to 3<sup>rd</sup> reading of the bylaw;

AND THAT Council approve the proposed workshop agenda attached as Schedule 'A' to this report.

## Background:

After sixteen months in abeyance the CD#21 rezoning initiative and associated bylaws came forward to Council on Monday, February 22, 2010, for 4<sup>th</sup> reading and adoption. The delay between 3<sup>rd</sup> and 4<sup>th</sup> reading of the bylaws was as a result of waiting for approval from the Ministry of Transportation ("MoT"). At 3<sup>rd</sup> reading on October 27<sup>th</sup>, 2008, the following resolutions were adopted:

- 5.01 (a) Bylaw No. 10019 (OCP08-0016) - Various Owners (City of Kelowna) - The area bounded by Harvey Avenue, Abbott Street, Water Street and Queenway Avenue - Requires a majority of all Members of Council (5)  
*To change the future land use designation of specific sections of the subject properties as they relate to the proposed downtown development.*

*Bylaw received 2<sup>nd</sup> & 3<sup>rd</sup> readings.*

- (b) Bylaw No. 10020 (TA08-0004 & Z08-0044) - Various Owners (City of Kelowna - The area bounded by Harvey Avenue, Abbott Street, Water Street and Queensway Avenue

*To create a New Comprehensive Development Zone for the subject properties; to rezone the subject properties to the new CD21 - Downtown Comprehensive Development Zone to facilitate the orderly redevelopment of the subject properties.*

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*Bylaw received 2<sup>nd</sup> & 3<sup>rd</sup> readings.*

On January 27, 2010, MoT identified, via a letter, their requirements associated with the approval of the bylaws required for the CD#21 rezoning (noted above). None of the requirements or obligations noted in the letter requires that changes be made to the bylaw(s) as it is currently written. Funding for the noted obligations are in place and do not require additional funding from the City nor any changes to the existing financial plan.

On February 22, 2010, Council chose not to endorse 4<sup>th</sup> reading of the bylaws associated with CD#21 Rezoning and instead passed the following resolution:

*THAT second and third reading of Bylaw Nos. 10019 and 10020 be rescinded;*

*AND THAT Council directs staff to convene a workshop, as soon as possible, to present Council with information on the current CD21 zone proposal;*

*AND FURTHER THAT the Public Hearing with respect to the CD21 zone proposal be scheduled for the fall of 2010.*

As a result of this direction, staff propose a three stage process (see below). In addition to these immediate steps there may be further consultation, investigation, presentation and approvals required to proceed with the above-noted public hearing. All of which will be contingent on the extent to which Council wishes to amend the existing bylaws.

- **Stage 1** - on March 15, staff intend to provide Council with a high level review of the history of the process to date and propose an agenda for a comprehensive workshop on March 29<sup>th</sup>, 2010.
- **Stage 2** - to hold a Council workshop on March 29, whereby staff and our consultants fully educate Council on the details of all aspects of the proposed CD#21 rezoning and answer questions posed by Council (agenda attached as Schedule 'A').
- **Stage 3** - consider Council requests for amendments to the existing CD#21 rezoning bylaws (if any) and report back on the financial and human resource implications and timing associated with analysis of the proposed amendments.

#### **Financial/Budgetary Considerations:**

There is no identified funding for this initiative for 2010. Should Council choose to make amendments to the existing CD#21, after the educational workshop planned for March 29, 2010, additional funding would need to be identified prior to final budget. The amount of funding required will be directly related to the extent of the changes being sought.

#### **Personnel Implications:**

Staff did not allocate any staff resources for this initiative for 2010. Should Council choose to make amendments to the existing CD #21 Zone, after the educational workshop planned for March 29, 2010, additional resources or departmental work plans will need to be amended. The amount of human resources required will be directly relative to the extent of the changes being sought.

**External Agency/Public Comments:**

Any substantive changes to the existing CD#21 bylaws may result in the need for First Reading to also be rescinded. All four readings of the new bylaws (and a public hearing) will need to take place. This would in-turn trigger a new review of the bylaws by MoT.

**Internal Circulation:**

General Manager, Community Sustainability  
General Manager, Community Services  
City Clerk

**Considerations not applicable to this report:**

Legal/Statutory Authority:

Legal/statutory Procedural Requirements:

Existing Policy:


Technical Requirements:

Communications Considerations:

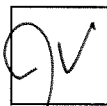
Alternate Recommendation:

In light of the above, the Real Estate & Building Services department request Council's support of the direction identified in this report.

Submitted by:

  
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Doug Gilchrist, R(BC), PMP  
Director, Real Estate & Building Services

Approved for inclusion:



John Vos, General Manager - Community Services

cc: S. Bagh, Director, Policy & Planning  
S. Gambacort, Director, Land Use Management  
R. Cleveland, Director, Infrastructure Planning  
C. Stephens, Director, Community & Media Relations  
G. McGarva, Via Architecture

## Schedule 'A'

### Workshop Agenda - CD Zone #21

- Historical Context
- Process & Timelines
- Mechanics of the Plan
- Public Consultation
- Community, Stakeholder & Previous Council Concerns
- Plan Amendments
- The Final Product
- Q & A