

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, APRIL 12, 2010

1:30 P.M.

1. CALL TO ORDER
2. Councillor Stack to check the minutes of the meeting.
3. COMMITTEE REPORTS
 - 3.01 Public Art Committee, dated April 7, 2010, re: [Public Art Committee Annual Report for 2009](#)
To receive, for information, the 2009 Annual Report of the Public Art Committee.
 - 3.02 Community Planning Manager, dated April 7, 2010, re: [Housing Committee Appointment](#)
To accept the resignation of Joanne Adamson from the Housing Committee; To appoint Emmanuel Lavoie as a member of the Housing Committee.
4. UNFINISHED BUSINESS
 - 4.01 Community Sustainability Division, dated March 31, 2010, re: [Supplemental Report No. 2 for TA09-0006](#)
To re-open the Public Hearing for Bylaw No. 10269 (TA09-0006) in order to receive the requested addition information.
5. DEVELOPMENT APPLICATION REPORTS
 - 5.01 Community Sustainability Division, dated March 19, 2010, re: [Agricultural Land Reserve Appeal Application No. A09-0018 - Damiano & Ann Caruso - 1524 Pioneer Road](#) Mayor to invite the Applicant or the Applicant's Representative to come forward.
To consider a staff recommendation NOT to support an application to the Agricultural Land Commission pursuant to Section 21(2) of Agricultural Land Commission Act for a two (2) lot subdivision within the Agricultural Land Reserve.

- 5.02 Community Sustainability Division, dated April 1, 2010, re: [Agricultural Land Reserve Appeal Application No. A09-0019 - Beverly Druitt Hazzard \(Porter Ramsay\) - 1565 Lewis Road](#) Mayor to invite the Applicant or the Applicant's Representative to come forward.
To consider a staff recommendation NOT to support an application to the Agricultural Land Commission pursuant to Section 21(2) of the Agricultural Land Commission Act for a three (3) lot subdivision within the Agricultural Land Reserve.
- 5.03 Community Sustainability Division, dated March 30, 2010, re: [Rezoning Application No. Z10-0014 - Zhen Hong Luo and Min He \(Robert Zhen Hong Luo\) - 471 Fizet Avenue](#)
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing zone with Secondary Suite in order to legalize a secondary suite within a single-family dwelling.
- (a) [Community Sustainability Division report dated March 30, 2010.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10321 \(Z10-0014\)](#) - Zhen Hong Luo and Min He (Robert Zhen Hong Luo) - 471 Fizet Avenue
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.
- 5.04 Community Sustainability Division, dated April 1, 2010, re: [Rezoning Application No. Z10-0001 and Text Amendment Application No. TA10-0004 - T252 Enterprises Ltd. \(John Adams\) - 435 Harvey Avenue](#)
To consider a Text Amendment to Zoning Bylaw No. 8000 to change the wording for the "Service Station, Minor" definition; To rezone the subject property from the C4 - Urban Centre Commercial zone to the C3 - Community Commercial zone in order to permit a standalone car wash.
- (a) [Community Sustainability Division report dated April 1, 2010.](#)
- (b) **BYLAWS PRESENTED FOR FIRST READING**
- (i) [Bylaw No. 10320 \(TA10-0004\)](#) - T252 Enterprises Ltd. (John Adams) - 435 Harvey Avenue
To amend the City of Kelowna Zoning Bylaw No. 8000 to change the wording for the "Service Station, Minor" definition.
- (ii) [Bylaw No. 10311 \(Z10-0001\)](#) - T252 Enterprises Ltd. (John Adams) - 435 Harvey Avenue
To rezone the subject property from the C4 - Urban Centre Commercial zone to the C3 - Community Commercial zone.

- 5.05 Community Sustainability Division, dated February 18, 2010, re: [Development Permit Application No. DP06-0141 - Ca'Solare Developments Inc. \(G Group of Companies\) - 4760 Lakeshore Road](#)
To extend the deadline for issuance of Development Permit Application No. DP06-0141 for a period of 180 days to October 27, 2010.
- 5.06 Community Sustainability Division, dated March 29, 2010, re: [Official Community Plan Bylaw Amendment Application No. OCP08-0027 and Rezoning Application No. Z08-0104 - 0823250 BC Ltd. \(Architecturally Distinct Solutions\) - 695 Webster Road](#)
To extend the deadline for adoption of Zoning Amending Bylaw Nos. 10161 and 10162 from April 4, 2010 to October 4, 2010.
- 5.07 Community Sustainability Division, dated March 29, 2010, re: [Rezoning Application No. Z08-0012 - 703941 BC Ltd. \(Robert Bennett\) - 3665 McCulloch Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 9998 from November 27, 2009 to May 27, 2010.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.01 [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.
- 6.02 [Bylaw No. 10276 \(Z09-0058\)](#) - Various Owners (0722955 BC Ltd.) - 5127 Chute Lake Road and 5268-5348 Upper Mission Drive
To rezone the subject properties from the RR2 - Rural Residential 2 zone, RR3 - Rural Residential 3 zone and RU1h - Large Lot Housing (Hillside Area) zone to the RR2s - Rural Residential 2 with Secondary Suite zone, RR3s - Rural Residential 3 with Secondary Suite zone and RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone.

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.01 General Manager, Community Sustainability, General Manager, Community Services and General Manager, Corporate Sustainability, dated April 7, 2010, re: [Quarterly Report Update](#)
To receive, for information, the Quarterly Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Corporate Sustainability.
- 7.02 Director, Recreation & Cultural Services, dated April 6, 2010, re: [Funding Support for the Kelowna Lawn Bowling Club](#)
To approve a one-time grant of \$10,000 to the Lawn Bowling Society for a turf rehab program; To authorize staff to submit a \$5,000, one-time, operating grant for the Kelowna Lawn Bowling Club as part of the 2011 Provisional Budget.

- 7.03 Utility Services Manager, dated April 9, 2010, re: [Gypsum Recycling - Award of Contract](#)
To award the contract for gypsum removal and recycling to Okanagan Gypsum Recycling Enterprises Corp. for a period of up to three (3) years at a cost of \$862,000.
- 7.04 Development Engineering Manager, dated April 6, 2010, re: [Latecomer Charges - ESA 12 Grainger Reservoir Expansion](#)
To require the owner of Lot 2, Plan KAP86216 to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-84; To authorize the City to enter into Latecomer Agreement No. 2250-70-84.
- 7.05 Development Engineering Manager, dated April 6, 2010, re: [Latecomer Charges - Chute Lake Crescent - Sewer](#)
To require the owner of Lot A, Plan KAP18646 to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-86; To authorize the City to enter into Latecomer Agreement No. 2250-70-86.
- 7.06 Parks, Beaches and Sport Fields Supervisor, dated April 6, 2010, re: [Park Maintenance Contract Extension](#)
To approve a one (1) year extension to the park maintenance contract with Royal Landscaping Ltd. in the amount of \$566,107.05; To approve a one (1) year extension to the park maintenance contract with Royal Star Enterprises Inc. in the amount of \$1,090,394.53.
- 7.07 Manager, Property Management, dated April 7, 2010, re: [Lease Renewal - Kelowna Bocce Club](#)
To approve the City entering into a Lease renewal with the Kelowna Bocce Club for the use of City-owned property to be used for a Bocce Club for a five (5) year term commencing March 1, 2010.
- 7.08 Manager, Property Management, dated April 7, 2010, re: [Gertsmar Park Lease Agreement](#)
To approve the City entering into a three (3) year Lease Agreement with the Central Okanagan Regional District for the lease of a portion of the Mission Creek Greenway located at the south end of Gertsmar Road for the purposes of a neighbourhood park.
- 7.09 Manager, Property Management, dated April 7, 2010, re: [Farm Lease \(Airport\) - Evan Chase](#)
To approve the City entering into a Lease with Evan Chase for the use of City-owned property, to be used for farming practices, for a three (3) year term from March 1, 2010.

- 7.10 Director, Corporate Services, dated April 6, 2010, re: [Municipal Insurance Association Delegate](#)
To appoint the Director of Corporate Services as the City of Kelowna delegate to the Municipal Insurance Association of British Columbia; To appoint the Manager of Risk Management and the Claims Analyst as alternate delegates.
- 7.11 Subdivision Approving Officer, dated April 7, 2010, re: [South Mission/Kettle Valley Road Network](#)
To receive, for information, the report from the Subdivision Approving Officer dated April 7, 2010.
- 7.12 Policy & Planning, dated April 7, 2010, re: [RDCO Referral - Ministry of Energy & Mines Application](#)
To receive, for information, the report from Policy & Planning Department dated April 7, 2010; To direct staff to respond to the Regional District with a recommendation of support for the proposed mineral exploration.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

- 8.01 [Bylaw No. 10316](#) - Road Closure Bylaw - A Portion of Lane South of Groves Avenue Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.
To authorize the City to permanently close and remove the highway dedication of a portion of lane south of Groves Avenue.

9. MAYOR & COUNCILLOR ITEMS

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

10. TERMINATION