CITY OF KELOWNA

*REGULAR COUNCIL AGENDA*

*COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET*

***MONDAY, MARCH 14, 2011***

*1:30 P.M.*

# 1. CALL TO ORDER

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

# 2. Councillor Reid-Nagy is requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

 3.1 Renata Mills, Executive Director, Festivals Kelowna, re: [Annual Report – Summary of 2010 Activities](Item%203.1%20-%20Annual%20Report%2C%20Summary%20of%202010%20Activities.pdf)

3.2 Beryl Itani, Chair, Nomination Committee, re: 2010 Civic & Community Awards Finalists

4. COMMITTEE REPORTS

4.1 Accessibility Advisory Committee, dated March 7, 2011, re: [Terminology – Persons with Disabilities](Item%204.1%20-%20Terminology%2C%20Persons%20with%20Disabilities.pdf)

 *To receive, for information, the Report from the Accessibility Advisory Committee dated March 7, 2011; To direct staff to revise all new and reprinted City publications and signage to include the terminology “Persons with Disabilities” in place of “Handicapped” or “Disabled”.*

4.2 Women’s and Community Advisory Committee, dated March 8, 2011, re: [2011 Community Forum: Women: Voices for Action!](Item%204.2%20-%202011%20Community%20Forum%2C%20Women%2C%20Voices%20for%20Action.pdf)

 *To receive, for information, the Report from the Women’s and Community Advisory Committee dated March 8, 2011; To endorse the distribution of existing Committee budget funding to the “Women: Voices for Action!” Forum.*

5. DEVELOPMENT APPLICATION REPORTS

5.1 Land Use Management Department, dated March 8, 2011, re: [Agricultural Land Reserve Appeal Application No. A10-0008 – Stephen Cipes (Morningstar Enterprises) – 4870A Chute Lake Road](Item%205.1%20-%20A10-0008%2C%20Cipes%2C%204870A%20Chute%20Lake%20Road.pdf) – **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 for an exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act; To direct staff to amend the definition of “Wineries and Cideries” in Zoning Bylaw No. 8000 to restrict the use on properties both within the Agricultural Land Reserve and outside the Agricultural Land Reserve.*

5.2 Land Use Management Department, dated March 2, 2011, re: [Agricultural Land Reserve Appeal Application No. A10-0009 – Matthew & Miranda King – 2800 Dunster Road](Item%205.2%20-%20A10-0009%2C%20King%2C%202800%20Dunster%20Road.pdf)

 *To support an application to the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act.*

5.3 Land Use Management Department, dated March 1, 2011, re: Heritage Revitalization Agreement Application No. HRA10-0002 – 0828609 BC Ltd. (William T. Clarke) – 862 Bernard Avenue

 *To authorize the City to enter into a Heritage Revitalization Agreement with 0828609 BC Ltd. in order to refurbish the heritage house located at 862 Bernard Avenue; To authorize the City to enter into a Housing Agreement with 0828609 BC Ltd. in order to require the owners to designate one (1) dwelling unit for purpose-built housing.*

 (a) [Land Use Management Department report dated March 1, 2011](Item%205.3%28a%29%20-%20HRA10-0002%2C%200828609%20BC%20Ltd.%2C%20862%20Bernard%20Avenue.pdf).

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

[Bylaw No. 10495 (HRA10-0002)](Item%205.3%28b%29%20-%20BL10495%20%28HRA10-0002%29%2C%20Heritage%20Revitalization%20Agreement%20Authorization%20Bylaw%2C%200828609%20BC%20Ltd.%2C%20862%20Bernard%20Avenue.pdf) – Heritage Revitalization Agreement Authorization Bylaw - 0828609 BC Ltd. (William T. Clarke) – 862 Bernard Avenue

*To authorize the City to enter into a Heritage Revitalization Agreement with 0828609 BC Ltd.*

(c) **BYLAW PRESENTED FOR FIRST THREE READINGS**

[Bylaw No. 10494](Item%205.3%28c%29%20-%20BL10494%2C%20Housing%20Agreement%20Authorization%20Bylaw%2C%200828609%20BC%20Ltd.%2C%20862%20Bernard%20Avenue.pdf) – Housing Agreement Authorization Bylaw – 0828609 BC Ltd. (William T. Clarke) – 862 Bernard Avenue

*To authorize the City to enter into a Housing Agreement with 0828609 BC Ltd.*

5.4 Land Use Management Department, dated March 4, 2011, re: Rezoning Application No. Z10-0103 – T & A Synergy Enterprises Ltd. (Worman Commercial) – 1810-1824 Gordon Drive

 *To rezone the subject property from the C9 – Tourist Commercial zone to the C3 – Community Commercial zone in order to facilitate the construction of two, 2-storey buildings for mixed-commercial uses.*

1. [Land Use Management Department report dated March 4, 2011](Item%205.4%28a%29%20-%20Z10-0103%2C%20T%20and%20A%20Synergy%20Enterprises%20Ltd.%2C%201810-1824%20Gordon%20Drive.pdf).
2. **BYLAW PRESENTED FOR FIRST READING**

[Bylaw No. 10503 (Z10-0103)](Item%205.4%28b%29%20-%20Bl10503%20%28Z10-0103%29%2C%20T%20and%20A%20Synergy%20Enterprises%20Ltd.%2C%201810-1824%20Gordon%20Drive.pdf) – T & A Synergy Enterprises Ltd. (Worman Commercial) – 1810-1824 Gordon Drive

*To rezone the subject property from the C9 – Tourist Commercial zone to the C3 – Community Commercial zone.*

5.5 Land Use Management Department, dated March 4, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP10-0016 and Rezoning Application No. Z10-0090 – City of Kelowna – 3020, 3030, 3040, 3050, 3060, 3070 & 3080 Abbott Street

 *To change the future land use designation of portions of the subject properties from the “Commercial” designation to the “Major Park/Open Space” designation in order to allow for a linear waterfront park and a comprehensive mixed-use development parcel; To rezone Lot 1, Plan KAP53240 from the RU3 – Small Lot Housing zone to the P3 – Parks & Open Space zone; To rezone a portion of Lots 2 & 3, Plan KAP53240 from the RU3 – Small Lot Housing zone to the P3 – Parks & Open Space and C9 – Tourist Commercial zones; To rezone a portion of Lots 12-14, Plan 2708 from the RU1 – Large Lot Housing zone to the P3 – Parks & Open Space and C9 - Tourist Commercial zones.*

1. [Land Use Management Department report dated March 4, 2011](Item%205.5%28a%29%20-%20OCP10-0016%2C%20Z10-0090%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Abbott%20Street.pdf).
2. **BYLAWS PRESENTED FOR FIRST READING**
3. [Bylaw No. 10505 (OCP10-0016)](Item%205.5%28b%29%28i%29%20-%20BL10505%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Abbott%20Street.pdf) – City of Kelowna – 3030, 3040, 3050, 3060, 3070 and 3080 Abbott Street – **Requires a majority of all Members of Council (5)**

*To change the future land use designation of portions of the subject properties from the “Commercial” designation to the “Major Park/Open Space” designation.*

1. [Bylaw No. 10506 (Z10-0090)](Item%205.5%28b%29%28ii%29%20-%20BL10506%20%28Z10-0090%29%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Abbott%20Street.pdf) – City of Kelowna – 3020, 3030, 3040, 3050, 3060, 3070 and 3080 Abbott Street

*To rezone Lot 1, Plan KAP53240 from the RU3 – Small Lot Housing zone to the P3 – Parks & Open Space zone; To rezone a portion of Lots 2 & 3, Plan KAP53240 from the RU3 – Small Lot Housing zone to the P3 – Parks & Open Space and C9 – Tourist Commercial zones; To rezone a portion of Lots 12-14, Plan 2708 from the RU1 – Large Lot Housing zone to the P3 – Parks & Open Space and C9 - Tourist Commercial zones.*

5.6 Land Use Management Department, dated March 4, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP10-0012 and Rezoning Application No. Z10-0067 – City of Kelowna – 1515, 1525, 1535, 1547 & 1563 Highland Drive North

 *To amend Kelowna 2020 – Official Community Plan Bylaw No. 7600 by adding new text and a table with respect to properties granted a one-increment gain in land use designation (density) potential; To change the future land use designation of the subject properties from the “Single/Two Unit Residential” designation to the “Multiple Unit Residential (Low Density)” designation in order to support the proposed rezoning; To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone in order to allow the development of the subject properties with a Low Density Multiple Unit form of housing.*

1. [Land Use Management Department report dated March 4, 2011](Item%205.6%28a%29%20-%20OCP10-0012%2C%20Z10-0067%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Highland%20Drive%20North.pdf).
2. **BYLAWS PRESENTED FOR FIRST READING**
3. [Bylaw No. 10507 (OCP10-0012)](Item%205.6%28b%29%28i%29%20-%20BL10507%20%28OCP10-0012%29%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Highland%20Drive%20North.pdf) – City of Kelowna – 1515, 1525, 1535, 1547 & 1563 Highland Drive North – **Requires a majority of all Members of Council (5)**

*To amend Kelowna 2020 – Official Community Plan Bylaw No. 7600 by adding new text and a table with respect to properties granted a one-increment gain in land use designation (density) potential.*

1. [Bylaw No. 10508 (OCP10-0012)](Item%205.6%28b%29%28ii%29%20-%20BL10508%20%28OCP10-0012%29%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Highland%20Drive%20North.pdf) – City of Kelowna – 1515, 1525, 1535, 1547 & 1563 Highland Drive North – **Requires a majority of all Members of Council (5)**

*To change the future land use designation of the subject properties from the “Single/Two Unit Residential” designation to the “Multiple Unit Residential (Low Density)” designation.*

1. [Bylaw No. 10509 (Z10-0067)](Item%205.6%28b%29%28iii%29%20-%20BL10509%20%28Z10--0067%29%2C%20City%20of%20Kelowna%2C%20Various%20Addresses%20on%20Highland%20Drive%20North.pdf) – City of Kelowna – 1515, 1525, 1535, 1547 & 1563 Highland Drive North

*To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.*

5.7 Land Use Management Department, dated March 8, 2011 re: [Development Permit Application No. DP11-0017 – Service Corporation International Ltd. (Mark Revie) – 1211 Sutherland Avenue](Item%205.7%20-%20DP11-0017%2C%20Service%20Corporation%20International%20Ltd.%2C%201211%20Sutherland%20Avenue.pdf)

 *To authorize the issuance of a Development Permit for the form and character of proposed façade changes to a funeral home in the Capri Village area.*

5.8 Land Use Management Department, dated March 4, 2011, re: [Rezoning Application No. Z07-0054 – Roger Bhullar – 495 Keithley Road](Item%205.8%20-%20Z07-0054%2C%20Bhullar%2C%20495%20Keithley%20Road.pdf)

 *To extend the deadline for adoption of Zone Amending Bylaw No. 9871 from October 30, 2010 to April 30, 2011.*

5.9 Land Use Management Department, dated March 4, 2011, re: [Rezoning Application No. Z05-0082 – Canwest Design & Drafting Ltd. (Bogdan Snarski & Benedicte Lee) – 1866 Ambrosi Road](Item%205.9%20-%20Z05-0082%2C%20Canwest%20Design%20and%20Drafting%20Ltd.%2C%201866%20Ambrosi%20Road.pdf)

 *To extend the deadline for adoption of Zone Amending Bylaw No. 9653 from February 22, 2011 to August 22, 2011.*

# 6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Revenue Manager, dated March 9, 2011, re: [Downtown Kelowna Association 2011 Budget](Item%206.1%20-%20Downtown%20Kelowna%20Association%202011%20Budget.pdf)

 *To approve the Downtown Kelowna Association’s Budget for 2011; To approve the 2011 levy of $610,000.00 on Class 5 and Class 6 properties located within the boundaries of the Kelowna Downtown Business Improvement Area.*

6.2 Revenue Manager, dated March 9, 2011, re: [Uptown Rutland Business Association 2011 Budget](Item%206.2%20-%20Uptown%20Rutland%20Business%20Association%202011%20Budget.pdf)

 *To approve the Uptown Rutland Business Association’s Budget for 2011; To approve the 2011 levy of $141,000.00 on Class 5 and Class 6 properties located within the boundaries of the Uptown Business Improvement Area.*

6.3 Director, Regional Services, dated March 9, 2011, re: [Transit Master Plan – Implementation](Item%206.3%20-%20Transit%20Master%20Plan%2C%20Implementation.pdf)

 *To receive, for information, the Report from the Director, Regional Services dated March 9, 2011; To receive, for information, the presentation by BC Transit dated March 14, 2011.*

6.4 City Clerk, dated March 2, 2011, re: [Plant Improvement Program for Brandt’s Creek Tradewaste Treatment Plant – Local Service Area No. 40, Parcel Tax Bylaw No. 10499](Item%206.4%20-%20Plant%20Improvement%20Program%20for%20Brandts%20Creek%20Tradewaste%20Treatment%20Plant.pdf)

 *To receive, for information, the Report from the City Clerk dated March 2, 2011 directing staff to impose a parcel tax under Section 200 of the Community Charter; To forward Bylaw No. 10499 for reading consideration.*

6.5 City Clerk, dated March 2, 2011, re: [2011 Parcel Tax Review Panel](Item%206.5%20-%202011%20Parcel%20Tax%20Review%20Panel.pdf)

 *To set the time and place for the 2011 Parcel Tax Review Panel.*

# 7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

7.1 [Bylaw No. 10459](Item%207.1%20-%20BL10459%2C%20Road%20Closure%20Bylaw%2C%20Portion%20of%20Lane%20South%20of%20Bernard.pdf) – Road Closure Bylaw – Portion of Lane South of Bernard

 *To authorize the City to permanently close and remove the highway dedication of a portion of lane south of Bernard Avenue.*

7.2 [Bylaw No. 10499](Item%207.2%20-%20BL10499%2C%20Brandts%20Creek%20Trade%20Waste%20Treatment%20Plant%2C%20Parcel%20Tax%20Bylaw.pdf) – Brandt’s Creek Trade Waste Treatment Plant Local Service Area No. 40 – Parcel Tax Bylaw

 *To authorize the City to impose a parcel tax under Section 200 of the Community Charter on the benefiting parcels in the Brandt’s Creek Trade Waste Treatment Plan Local Service Area No. 40.*

**(BYLAWS PRESENTED FOR ADOPTION)**

7.3 [Bylaw No. 10496](Item%207.3%20-%20BL10496%2C%20Amendment%20No.%203%20to%20Bylaw%20Notice%20Enforcement%20Bylaw%20No.%2010475.pdf) – Amendment No. 3 to Bylaw Notice Enforcement Bylaw No. 10475

 *To amend Bylaw Notice Enforcement Bylaw No. 10475 by adding a new section for “Soil Removal & Deposit Bylaw No. 9612 to the end of Schedule “A”.*

8. MAYOR & COUNCILLOR ITEMS

8.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

# 9. TERMINATION