CITY OF KELOWNA

*REGULAR COUNCIL AGENDA*

*COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET*

***MONDAY, SEPTEMBER 19, 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

 3.1 Alex Burnham, Miss Kelowna Lady of the Lake 2011-2012, and Erin Van Zyderveld, Kelowna Princess 2011-2012, re: Introduction to Kelowna City Council

3.2 Murray Tekano, District Manager, Transportation – Okanagan Shuswap District, Ministry of Transportation & Infrastructure, re: High Occupancy Vehicle (HOV) Lane and Bus Rapid Transit (BRT)

4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated September 8, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0005 and Rezoning Application No. Z11-0047 – 0911176 BC Ltd. (Architecturally Distinct Solutions) – 1170 Brant Avenue

 *To change the future land use designation of a portion of the subject property from the S2RES – Single/Two Unit Residential designation to the PARK – Major Park & Open Space and MRL – Multiple Unit Residential (Low Density) designation in order to allow the development of 18 townhouse units; To rezone a portion of the subject property from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing and P3 – Parks and Open Space zones; To authorize the City to enter into a Housing Agreement with 0911176 BC Ltd. in order to designate 4 dwelling units for owner-occupied affordable housing.*

 (a) [Land Use Management Department report dated September 8, 2011.](Item%204.1%28a%29%20-%20OCP11-0005%2C%20Z11-0047%2C%200911176%20BC%20Ltd.%2C%201170%20Brant%20Avenue.pdf)

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

1. [Bylaw No. 10604 (OCP11-0005)](Item%204.1%28b%29%28i%29%20-%20BL10604%20%28OCP11-0005%29%2C%200911176%20BC%20Ltd.%2C%201170%20Brant%20Avenue.pdf) – 0911176 BC Ltd. (Architecturally Distinct Solutions) – 1170 Brant Avenue – **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 S2RES – Single/Two Unit Residential designation to the PARK – Major Park & Open Space and MRL – Multiple Unit Residential (Low Density) designation.*

1. [Bylaw No. 10605 (Z11-0047)](Item%204.1%28b%29%28ii%29%20-%20BL10605%20%28Z11-0047%29%2C%200911176%20BC%20Ltd.%2C%201170%20Brant%20Avenue.pdf) – 0911176 BC Ltd. (Architecturally Distinct Solutions) – 1170 Brant Avenue

*To rezone a portion of the subject property from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing and P3 – Parks and Open Space zones*

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

[Bylaw No. 10601](Item%204.1%28c%29%20-%20BL10601%2C%20Housing%20Agreement%20Authorization%20Bylaw%2C%200911176%20BC%20Ltd.%2C%201170%20Brant%20Avenue.pdf) – Housing Agreement Authorization Bylaw – 0911176 BC Ltd. – 1170 Brant Avenue

*To authorize the City to enter into a Housing Agreement with 0911176 BC Ltd.*

4.2 Land Use Management Department, dated September 2, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP09-0017 and Rezoning Application No. Z09-0079 – Natisa Development Corp. (City of Kelowna) – 3441, 3451, 3461 & 3471 Lakeshore Road

 *To rescind Development Permit No. DP09-0160 and Development Variance Permit No. DVP09-0161; To change the future land use designation of Lot 36, Plan 3886 from the Mixed-Use (Residential/Commercial) designation to the Single/Two Unit Residential designation; To rezone Lot 36, Plan 3886 from the C9 – Tourist Commercial zone to the RU6 – Two Dwelling Housing zone in order to return the privately-owned properties to their former zoning as outstanding requirements to finalize the development have not been met.*

1. [Land Use Management Department report dated September 2, 2011.](Item%204.2%28a%29%20-%20OCP09-0017%2C%20Z09-0079%2C%20Natisa%20Development%20Corp.%2C%20Various%20Addresses%20on%20Lakeshore%20Road.pdf)
2. **BYLAWS PRESENTED FOR FIRST READING**
3. [Bylaw No. 10606 (OCP09-0017)](Item%204.2%28b%29%28i%29%20-%20BL10606%20%28OCP09-0017%29%2C%20Natisa%20Development%20Corporation%2C%203471%20Lakeshore%20Road.pdf) – Natisa Development Corporation (City of Kelowna) – 3471 Lakeshore Road – **Requires a majority of all members of Council (5)**

*To change the future land use designation of Lot 36, Plan 3886 from the Mixed-Use (Residential/Commercial) designation to the Single/Two Unit Residential designation*

1. [Bylaw No. 10607 (Z09-0079)](Item%204.2%28b%29%28ii%29%20-%20BL10607%20%28Z09-0079%29%2C%20Natisa%20Development%20Corporation%2C%203471%20Lakeshore%20Road.pdf) – Natisa Development Corporation (City of Kelowna) – 3471 Lakeshore Road

*To rezone Lot 36, Plan 3886 from the C9 – Tourist Commercial zone to the RU6 – Two Dwelling Housing zone.*

4.3 Land Use Management Department, dated September 9, 2011, re: Text Amendment Application No. TA11-0009 and Official Community Plan Bylaw Amendment Application No. OCP11-0006 – Text Amendment to Zoning Bylaw related to Downtown Plan Charrette

 *To advance changes to City of Kelowna Zoning Bylaw No. 8000 related to the Downtown Plan Charrette in conjunction with Official Community Plan amendments.*

1. [Land Use Management Department report dated September 9, 2011.](Item%204.3%28a%29%20-%20TA11-0009%2C%20OCP11-0006%2C%20Text%20Amendment%20to%20Zoning%20Bylaw%20related%20to%20Downtown%20Plan%20Charrette.pdf)
2. **BYLAW PRESENTED FOR AMENDMENT AT FIRST READING**

[Bylaw No. 10568 (OCP11-0006)](Item%204.3%28b%29%20-%20BL10568%20%28OCP11-0006%29%2C%20City%20of%20Kelowna%2C%20OCP%20Bylaw%20No.%2010500%2C%20Amendments%20to%20Chapter%205%2C%20Development%20Process.pdf) – City of Kelowna – Official Community Plan Bylaw No. 10500 – Text Amendment – Amendments to Chapter 5 – Development Process – **Requires a majority of all members of Council (5)**

*To amend Bylaw No. 10568 at first reading by adding wording to Chapter 5 – Development Process, Objective 5.5, Ensure appropriate and context sensitive built form, Policy .1.*

1. **BYLAW PRESENTED FOR FIRST READING**

[Bylaw No. 10594 (TA11-0009)](Item%204.3%28c%29%20-%20BL10594%20%28TA11-0009%29%2C%20City%20of%20Kelowna%2C%20Downtown%20Plan%20Charrette.pdf) – City of Kelowna – Downtown Plan Charrette

*To consider various amendments to City of Kelowna Zoning Bylaw No. 8000 related to the Downtown Plan Charrette.*

4.4 (a) **BYLAW PRESENTED FOR ADOPTION**

[Bylaw No. 10257 (Z09-0023)](Item%204.4%28a%29%20-%20BL10257%20%28Z09-0023%29%2C%20Dhanwant%2C%20410%20Hartman%20Road.pdf) – Bhupinder and Raj Dhanwant (Bob Dhanwant) – 410 Hartman Road

*To rezone the subject property from the RR3 – Rural Residential 3 zone to the RM3 – Low Density Multiple Housing zone.*

(b) Land Use Management Department, Supplemental Report dated September 9, 2011, re: [Development Permit Application No. DP09-0035 – Bhupinder and Raj Dhanwant (Bob Dhanwant) – 410 Hartman Road](Item%204.4%28b%29%20-%20DP09-0035%2C%20Dhanwant%2C%20410%20Hartman%20Road.pdf)

*To receive, for information, the Supplemental Report of the Land Use Management Department dated September 9, 2011; To authorize the issuance of a Development Permit for the form and character of the proposed development.*

4.5 Land Use Management Department, dated September 8, 2011, re: [Rezoning Application No. Z08-0030 – Paul Warnock – 1220-1222 & 1230 Brookside Avenue](Item%204.5%20-%20Z08-0030%2C%20Warnock%2C%201220-1222%20and%201230%20Brookside%20Avenue.pdf)

*To extend the deadline for adoption of Zone Amending Bylaw No. 10105 from May 25, 2011 to November 25, 2011.*

4.6 Land Use Management Department, dated September 8, 2011, re: [Rezoning Application No. Z10-0036 – Jeffrey Kohn (RC Alliance Ltd.) – 4224 Hobson Road](Item%204.6%20-%20Z10-0036%2C%20Kohn%2C%204224%20Hobson%20Road.pdf)

 *To extend the deadline for adoption of Zone Amending Bylaw No. 10354 from June 29, 2011 to December 29, 2011.*

# 5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

5.1 [Bylaw No. 10371 (Z10-0035)](Item%205.1%20-%20BL10371%20%28Z10-0035%29%2C%20Deboice%2C%20340%20Francis%20Avenue.pdf) – Larry Deboice (New Town Architectural Services) – 340 Francis Avenue

 *To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.*

5.2 [Bylaw No. 10469 (Z10-0070)](Item%205.2%20-%20BL10469%20%28Z10-0070%29%2C%20Staerkle%2C%2042%2C760%20Highpointe%20Drive.pdf) – Neil and Chantal Staerkle – 42-760 Highpointe Drive

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

5.3 [Bylaw No. 10567 (Z11-0031)](Item%205.3%20-%20BL10567%20%28Z11-0031%29%2C%20Park%2C%20719%20Hazell%20Road.pdf) – Layton and Myrna Park (Layton Park) – 719 Hazell Road

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

# 6. NON-DEVELOPMENT APPLICATION REPORTS

 6.1 Fire Chief, dated September 14, 2011, re: [Regional District of Okanagan Similkameen Fire Dispatch Agreement](Item%206.1%20-%20RDOS%20Fire%20Dispatch%20Agreement.pdf)

 *To authorize the City to enter into a five (5) year Agreement with the Regional District of Okanagan Similkameen for the provision of fire dispatch services.*

 6.2 Manager, Roads, Drainage & Solid Waste Projects, dated September 14, 2011, re: [Hereron Bridge Replacement Tender Award](Item%206.2%20-%20Hereron%20Bridge%20Replacement%20Tender%20Award.pdf)

 *To request an amendment to the 2011 Financial Plan with respect to the contract for the replacement of the Hereron Road Bridge.*

7. MAYOR & COUNCILLOR ITEMS

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

# 8. TERMINATION