

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, SEPTEMBER 10, 2012

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. CONFIRMATION OF MINUTES

Regular P.M. Meeting - August 20, 2012

3. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

3.1 City Clerk, dated August 22, 2012, re: [Adoption of Secondary Suites and Corresponding Bylaws](#)

To consider Bylaws for adoption, to amend various Bylaws o remove the "s" designation and to amend various Bylaws from the "s" designation to the "c" designation.

3.1.1 [Bylaw No. 10686 \(TA12-0005\)](#) - City of Kelowna - Housekeeping Text Amendments (Secondary Suites and Carriage Houses)

To adopt Bylaw No. 10686 in order to allow secondary suites within single-family dwellings in all residential and agricultural zones.

3.1.2 [Bylaw No. 10714 \(Z12-0035\)](#) - Various Owners (City of Kelowna) - Various Addresses

To adopt Bylaw No. 10714 in order to remove the "s" designation on various properties and to change the "s" designations to "c" designations on various properties.

3.1.3 [Bylaw No. 10665](#) - Amendment No. 1 to Development Application Fees Bylaw No. 10560

To adopt Bylaw No. 10665 in order to amend the Development Category in Development Application Fees Bylaw No. 10560 to remove the "s" designation and insert the "c" designation.

- 3.1.4 [Bylaw No. 10706](#) - Amendment No. 16 to Business Licence and Regulation Bylaw No. 7878
To adopt Bylaw No. 10706 in order to amend Business Licence Regulation Bylaw No. 7878 to provide for a business licence fee for illegal secondary suites.
- 3.1.5 [Bylaw No. 10711](#) - Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82
To adopt Bylaw No. 10711 in order to amend Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 to remove the "s" designation and insert the "c" designation.
- 3.1.6 [Bylaw No. 10712](#) - Amendment No. 12 to Building Bylaw, 1993, No. 7245
To adopt Bylaw No. 10712 in order to amend Building Bylaw, 1993, No. 7245 in order to consider changes to the Secondary Suite zone classifications.
- 3.2 Land Use Management Department, dated August 29, 2012, re: [Agricultural Land Reserve Appeal Application No. A12-0010 - Stephen Cipes - 4870 Chute Lake Road](#)
To seek Council's support of an application to the Agricultural Land Commission for the inclusion of a 0.20 hectare portion of the parent 25.2 hectare parcel in the Agricultural Land Reserve.
- 3.3 Land Use Management Department, dated August 22, 2012, re: [Rezoning Application No. Z11-0082 - Bernard & Christine Rinas - 4165 Wallace Hill Road](#)
To rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone in order to legalize an existing suite within an existing accessory building.
- 3.3.1 [Bylaw No. 10755 \(Z11-0082\)](#) - Bernard & Christine Rinas - 4165 Wallace Hill Road
To give first reading to Bylaw No. 10755 in order to rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone.
- 3.4 Land Use Management Department, dated July 16, 2012, re: [Rezoning Application No. Z12-0049 - Hugh & Jen Bitz - 4581 Anhalt Road](#)
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone in order to facilitate a subdivision that will divide the parcel into two (2) equal lots.
- 3.4.1 [Bylaw No. 10756 \(Z12-0049\)](#) - Hugh & Jennifer Bitz - 4581 Anhalt Road
To give first reading to Bylaw No. 10756 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

- 3.5 Land Use Management Department, dated August 24, 2012, re: [Rezoning Application No. Z12-0046 - 564913 BC Ltd. - 1350 St. Paul Street](#)
To rezone the property from the I2 - General Industrial zone to the C7 - Central Business Commercial zone in order to allow the continued use of the subject property as a surface parking lot.
- 3.5.1 [Bylaw No. 10757 \(Z12-0046\)](#) - 564913 BC Ltd. - 1350 St. Paul Street
To give first reading to Bylaw No. 10757 in order to rezone the subject property from the I2 - General Industrial zone to the C7 - Central Business Commercial zone.
- 3.6 Land Use Management Department, dated August 23, 2012, re: [Rezoning Application No. Z12-0043 - Lynae, Dennis & Darlene Igel - 391 Yates Road](#)
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone in order to allow the conversion of a loft area of an existing accessory building into a carriage house.
- 3.6.1 [Bylaw No. 10758 \(Z12-0043\)](#) - Lynae, Dennis & Darlene Igel - 391 Yates Road
To give first reading to Bylaw No. 10758 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
- 3.7 [Bylaw No. 10709 \(OCP12-0002\)](#) - No. 21 Great Projects Ltd. - 1355 Steele Road - **Requires a majority of all Members of Council (5)**
To adopt Bylaw No. 10709 in order to change the future land use designation of a portion of the property located at 1355 Steele Road from the Commercial designation to the Major Park & Open Space and Public Service Utilities designations.
- 3.7.1 [Bylaw No. 10710 \(Z12-0021\)](#) - No. 21 Great Projects Ltd. - 1355 Steele Road and 5000 Gordon Drive
To adopt Bylaw No. 10710 in order to rezone a portion of the subject properties from the A1 - Agriculture 1 zone to the C3 - Community Commercial and P3 - Parks and Open Space zones.
- 3.7.2 Land Use Management Department, dated August 30, 2012, re: [Development Permit Application No. DP12-0053 - No. 21 Great Projects Ltd. - 1355 Steele Road](#)
To authorize the issuance of a Development Permit for the form and character of the first, five (5), commercial buildings associated with the Ponds Village Centre.
- 3.8 Land Use Management Department, dated August 31, 2012, re: [Development Permit Application No. DP12-0133 - Interior Health Authority \(CEI Architecture\) - 2251-2321 Pandosy Street](#)
To authorize the issuance of a Development Permit for the form and character of the proposed Interior Health Heart & Surgical Centre.

- 3.9 Land Use Management Department, dated August 20, 2012, re: [Rezoning Application No. Z09-0077 - Rex Jardine - 4064 Lakeshore Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10306 from June 15, 2012 to December 15, 2012.
4. BYLAWS FOR ADOPTION (Development Related)
- 4.1 [Bylaw No. 10047 \(Z08-0048\)](#) - Leo & Shirley Duford and Penny Yaworski (Penny Yaworski) - 4361 Gordon Drive
To adopt Bylaw No. 10047 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
5. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS
- 5.1 Manager, Roads, Drainage & Solid Waste Projects, dated August 28, 2012, re: [Bernard Avenue Revitalization - Noise Bylaw Exemption](#)
To request that Council provide an exemption to the Noise Bylaw No. 6647 so that construction work hours can be extended for the Bernard Avenue project.
- 5.1.1 [Bylaw No. 10754](#) - Amendment No. 9 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90
To give first, second and third readings to Bylaw No. 10754 in order to amend Kelowna Noise and Disturbances Control Bylaw No. 6647-90 to allow an exemption so that construction work hours can be extended for the Bernard Avenue project.
- 5.2 Manager, Community Planning, dated August 24, 2012, re: [Housing Agreements](#)
To provide Council with recommendations regarding the City's use of Housing Agreements.
- 5.3 Director, Financial Services, dated August 31, 2012, re: [Municipal Reserves and Debt Levels](#)
To provide Council with information on the current status of the City's reserves and debt levels and to provide for future formal Council reserve and debt policies.
- 5.4 Manager, Capital Assets and Investment, dated September 10, 2012, re: [Asset Management Update](#)
To provide Council with an update on the system-wide performance of Municipal infrastructure and detailed next steps for advancement of the Corporate Asset Management Plan.
- 5.5 City Clerk, dated August 21, 2012, re: [Uptown Rutland Business Improvement Area](#)
To submit the Certificate of Sufficiency for the Uptown Rutland Business Improvement Area and to advance Bylaw No. 10730 for adoption.

5.5.1 [Bylaw No. 10730](#) - Uptown Rutland Business Improvement Area
To adopt Bylaw No. 10730 in order to establish a local area service for the purposes of annually funding the Uptown Rutland Business Improvement Area (2013-2017).

5.6 Deputy City Clerk, dated August 23, 2012, re: [Housing Agreement Authorization Bylaw No. 10729 - KNL Properties Ltd.](#)
To forward Bylaw No. 10729, Housing Agreement Authorization Bylaw, KNL Properties, for rescindment consideration.

5.6.1 [Bylaw No. 10729](#) - Housing Agreement Authorization Bylaw - KNL Properties Ltd. - 260 Davie Road
To rescind first, second and third readings given to Bylaw No. 10729 and to direct staff to close the file.

6. BYLAWS FOR ADOPTION (Non-Development Related)

6.1 [Bylaw No. 10726](#) - Road Closure Bylaw - Portion of Jenkins Road - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.
To adopt Bylaw No. 10726 in order to authorize the City to permanently close and remove the highway dedication of a portion of a portion of Jenkins Road.

6.2 [Bylaw No. 10728](#) - Amendment No. 4 to Recreation and Cultural Services Fees and Charges Bylaw No. 9609
To adopt Bylaw No. 10728 in order to amend Recreation and Cultural Services Fees and Charges Bylaw No. 9609.

6.3 [Bylaw No. 10750](#) - Amendment No. 1 to Housing Agreement Authorization Bylaw No. 10183 - Mode Properties Ltd.
To adopt Bylaw No. 10750 in order to amend the Housing Agreement with Mode Properties Ltd. for the property located at 1550 Dickson Avenue.

7. MAYOR & COUNCILLOR ITEMS

8. TERMINATION