

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, MARCH 1, 2010

1:30 P.M.

1. CALL TO ORDER

2. Councillor Hobson to check the minutes of the meeting.

3. DEVELOPMENT APPLICATION REPORTS

3.1 Community Sustainability Division, dated February 19, 2010, re: Rezoning Application No. Z10-0006 - Kevin & Janet Hertz (Peter Chataway) - 334 Christleton Avenue

To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone in order to permit a secondary suite located within an accessory building.

(a) [Community Sustainability Division report dated February 19, 2010.](#)

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10296 (Z10-0006) - Kevin & Janet Hertz (Peter Chataway) - 334 Christleton Avenue

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

3.2 Community Sustainability Division, dated February 19, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0017 and Rezoning Application No. Z09-0079 - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441, 3451, 3461 & 3471 Lakeshore Road

To change the future land use designation of two (2) of the subject properties from the "Major Park/Open Space" designation to the "Commercial" designation to accommodate the proposed mixed-use development; To rezone three (3) of the subject properties from the P3 - Parks & Open Space zone and RU6 - Two Dwelling Housing zone to the C9 - Tourist Commercial zone in order to accommodate the proposed mixed-use development.

(a) [Community Sustainability Division report dated February 19, 2010.](#)

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

- (i) [Bylaw No. 10297 \(OCP09-0017\)](#) - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441 & 3451 Lakeshore Road - **Requires a majority of all Members of Council (5)**

To change the future land use designation of the subject properties from the "Major Park/Open Space" designation to the "Commercial" designation.

- (ii) [Bylaw No. 10298 \(Z09-0079\)](#) - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441, 3451 & 3471 Lakeshore Road

To rezone the subject properties from the P3 - Parks and Open Space zone and RU6 - Two Dwelling Housing zone to the C9 - Tourist Commercial zone.

- 3.3 Community Sustainability Division, dated February 19, 2010, re: [Text Amendment Application No. TA10-0003 - City of Kelowna](#)

To consider amendments to Zoning Bylaw No. 8000 to create two (2) use categories, "Breweries and Distilleries, Major" and "Breweries and Distilleries, Minor".

- (a) [Community Sustainability Division report dated February 19, 2010.](#)

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

[Bylaw No. 10295 \(TA10-0003\)](#) - City of Kelowna - Text Amendment to Zoning Bylaw No. 8000 - Breweries and Distilleries Major and Minor

To consider amendments to Zoning Bylaw No. 8000 to create two (2) use categories, "Breweries and Distilleries, Major" and "Breweries and Distilleries, Minor".

- 3.4 Community Sustainability Division, dated February 18, 2010, re: [Rezoning Application No. Z07-0029 - Kevin & Cynthia Patterson - 530 Ziprick Road](#)

To extend the deadline for adoption of Zone Amending Bylaw No. 9890 from December 11, 2009 to June 11, 2010.

- 3.5 Community Sustainability Division, dated February 18, 2010, re: [Rezoning Application No. Z07-0046 - Terry & Joan Raisanen \(Eidse Builders\) - 1975 Kane Road](#)

To extend the deadline for adoption of Zone Amending Bylaw No. 9886 from November 27, 2009 to May 27, 2010.

- 3.6 Community Sustainability Division, dated February 18, 2010, re: [Rezoning Application No. Z07-0056 - 0754028 BC Ltd. & Doyle Avenue Holdings Ltd. \(New Town Planning Services Inc.\) - 1372-1374, 1378, 1382, 1386 St. Paul Street & 520 Doyle Avenue](#)

To extend the deadline for adoption of Zone Amending Bylaw No. 10051 from February 19, 2010 to August 19, 2010.

- 3.7 Community Sustainability Division, dated February 15, 2010, re: [Development Permit Application No. DP08-0187 and Development Variance Permit Application No. DVP08-0188 - 0804815 BC Ltd. \(Bevanda Architecture Inc.\) - 426-436, 440-446 & 450-454 Bernard Avenue](#)
To extend the deadline for issuance of Development Permit Application No. DP08-0187 and Development Variance Permit Application No. DVP08-0188 from October 7, 2009 to April 7, 2010.
- 3.8 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 April 27, 2010.

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 [Bylaw No. 10277 \(TA09-0008\)](#) - City of Kelowna - Text Amendment - Amendment to Section 13 of the City of Kelowna Zoning Bylaw No. 8000
To amend Section 13 of the Zoning Bylaw No. 8000 to include the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 General Manager, Community Services, dated February 19, 2010, re: [Tipping Fees for Materials from Westside Transfer Station](#)
To receive the Report of the General Manager, Community Services dated February 19, 2010 regarding Landfill Tipping Fees for material from the Westside Transfer Station; To direct staff to work with the Central Okanagan Regional District to implement a system for full cost recovery.
- 5.2 Director, Airport, dated February 22, 2010, re: [Air Carrier Airport Use Agreement for Air Transat A.T. Inc. - Kelowna International Airport](#)
To consent to and approve the Air Carrier Airport Use Agreement allowing Air Transat A.T. Inc. to operate at the Kelowna International Airport.
- 5.3 Transportation Services Manager, dated February 22, 2010, re: [Traffic Calming and Rumble Strips](#)
To receive, for information, the report from the Transportation Services Manager dated February 22, 2010.
- 5.4 Park & Public Space Projects Manager, dated February 22, 2010, re: [Council Policy 242 - Request for Exemption to Allow Community Award Plaques in Stuart Park](#)
To grant an exemption to Council Policy 242 - Commemorative Recognitions in City Parks so that plaques acknowledging recipients of the City's annual Civic Awards can be displayed in Stuart Park.

- 5.5 Director, Regional Services, dated February 24, 2010, re: [Award of Design/Build Contract for Dayton St. Pedestrian/Cycling Overpass](#)
To award a contract for the design and construction of the Dayton St. Pedestrian/Cycling Overpass to Graham Design Builders Ltd. in the amount of \$2,500,000.00.
- 5.6 Director, Design & Construction Services, dated February 24, 2010, re: [Award of Contract T10-022 Asphalt Overlay/Mill & Fill 2010](#)
To award the contract for the 2010 Asphalt Overlay/Mill & Fill work to Emil Anderson Construction (EAC) Inc. in the amount of \$781,709.75, including GST.
- 5.7 Cultural Services Manager, dated February 24, 2010, re: [2010 Professional Arts Grants](#)
To approve various grants funded from the 2010 Cultural Services budget for Professional Arts organizations.
- 5.8 Planner Specialist and Cultural Services Manager, dated February 22, 2010, re: [Council Policy No. 274 - Arts & Cultural Policy](#)
To endorse the revisions to Council Policy No. 274 - Arts & Culture Policy; To endorse an application to the 2010 Legacies Now Creative Communities Program for a grant of up to \$20,000.00 for use in the development of the Cultural Plan.
- 5.9 Utility Services Manager, dated February 22, 2010, re: [2009 Water Sustainability Action Plan Update and 2010 Plan](#)
To receive, for information, the report of the Utility Services Manager dated February 22, 2010 regarding an update on the Water Sustainability Action Plan.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 [Bylaw No. 10275](#) - Amendment No. 29 to Sewer System User Bylaw No. 3480
To amend Sewerage System User Bylaw No. 3480 by deleting Section 4 in its entirety and replacing it with a new Section 4.
- 6.2 [Bylaw No. 10292](#) - Amendment No. 34 to the Water Regulation Bylaw No. 2173
To amend Water Regulation Bylaw 1960, No. 2173 by deletion Section 28 - Rates and Charges and replacing it with a new Section 28 - Rates and Charges.
- 6.3 [Bylaw No. 10293](#) - Amendment No. 7 to Sewer Parcel Tax Bylaw No. 8924
To amend Sewer Service Parcel Tax Bylaw No. 8924 by deleting Section 2 in its entirety and replacing it with a new Section 2.

7. COUNCILLOR ITEMS

8. TERMINATION