

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, JULY 12, 2010

1:30 P.M.

1. CALL TO ORDER

2. Councillor Craig is requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.01 Pooja Anand, Miss Kelowna Lady of the Lake (2009/2010) and Caitlin Hansum, Princess (2009/2010), re: [Farewell Presentation](#)

4. COMMITTEE REPORTS

4.01 Public Art Committee, dated July 16, 2010, re: [Knowles Park Public Art Project](#)
To approve funding of \$5,000 for a metal sculpture to be installed in Knowles Park.

5. DEVELOPMENT APPLICATION REPORTS

5.01 Community Sustainability Division, dated July 2, 2010, re: [Rezoning Application No. Z10-0052 - Shane & Jennifer Warawa - 745 Mitchell Road](#)
To rezone a portion of the subject property from the RU1 -Large Lot Housing zone to the RU6 - Two Dwelling Housing zone in order to accommodate the proposed semi-detached housing development.

(a) [Community Sustainability Division report dated July 2, 2010.](#)

(b) BYLAW PRESENTED FOR FIRST READING

[Bylaw No. 10376 \(Z10-0052\)](#) - Shane & Jennifer Warawa - 745 Mitchell Road

To rezone a portion of the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

5.02 Community Sustainability Division, dated June 25, 2010, re: [Official Community Plan Bylaw Amendment Application No. OCP10-0007 and Rezoning Application No. Z10-0037 - T146 Enterprises Ltd. \(Dale Knowlan & Associates\) - 1460 Springfield Road](#)

To change the future land use designation of a portion of the subject property from the "Single/Two Unit Residential" designation to the "Commercial"

designation in order to extend the eastern commercial property at 1482 Springfield Road on to the subject property; To rezone a portion of the subject property from the RU2 - Medium Lot Housing zone to the C5 - Transition Commercial zone in order to expand the parking area.

(a) [Community Sustainability Division report dated June 25, 2010.](#)

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

(i) [Bylaw No. 10377 \(OCP10-0007\)](#) - T146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road - **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 "Single/Two Unit Residential" designation to the "Commercial" designation,

(ii) [Bylaw No. 10378 \(Z10-0037\)](#) - T146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road

To rezone a portion of the subject property from the RU2 - Medium Lot Housing zone to the C5 - Transition Commercial zone.

5.03 Community Sustainability Division, dated June 25, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0006 and Rezoning Application No. Z10-0031 - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1045, 1053 & 1069 Laurier Avenue

To change the future land use designation of one (1) of the subject properties from the "Commercial" designation to the "Multiple Unit Residential - Low Density" designation in order to permit a total of three (3) separate four-plex developments; To rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone in order to accommodate 12 units within three (3) separate four-plex developments.

(a) [Community Sustainability Division report dated June 25, 2010.](#)

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

(i) [Bylaw No. 10379 \(OCP10-0006\)](#) - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1069 Laurier Avenue - **Requires a majority of all Members of Council (5)**

To change the future land use designation of the subject property from the "Commercial" designation to the "Multiple Unit Residential - Low Density" designation.

(ii) [Bylaw No. 10380 \(Z10-0031\)](#) - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1045, 1053 & 1069 Laurier Avenue

To rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone.

- 5.04 Community Sustainability Division, dated June 29, 2010, re: Rezoning Application No. Z10-0048 - Surinder & Davinder Bhullar - 1356 Montenegro Drive
To rezone the subject property from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone in order to allow the construction of a secondary suite within the basement of a new dwelling.
- (a) [Community Sustainability Division report dated June 29, 2010.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10381 \(Z10-0048\)](#) - Surinder & Davinder Bhullar - 1356 Montenegro Drive
To rezone the subject property from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone.
- 5.05 Community Sustainability Division, dated June 25, 2010, re: Rezoning Application No. Z10-0034 - Richard & Debra Horner - 1820 Ivans Avenue
To rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2s - Medium Lot Housing with Secondary Suite zone in order to construct a secondary suite within a single-family dwelling.
- (a) [Community Sustainability Division report dated June 25, 2010.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10382 \(Z10-0034\)](#) - Richard & Debra Horner - 1820 Ivans Avenue
To rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2s - Medium Lot Housing with Secondary Suite zone.
- 5.06 Community Sustainability Division, dated July 2, 2010, re: Heritage Revitalization Agreement Application No. HRA10-0001 - Kelowna Train Station Inc. (Trotter & Morton) - 1177 Ellis Street
To repeal Bylaw No. 8512; To authorize the City to enter into a Heritage Revitalization Agreement with Kelowna Train Station Inc. for the subject property.
- (a) [Community Sustainability Division report dated July 2, 2010.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10383 \(HRA10-0001\)](#) - Heritage Revitalization Agreement Authorization Bylaw - Kelowna Train Station Inc. - 1177 Ellis Street
To authorize the City to enter into a Heritage Revitalization Agreement with Kelowna Train Station Inc. for the subject property.

- 5.07 Community Sustainability Division, dated June 30, 2010, re: [Official Community Plan Bylaw Amendment Application No. OCP06-0010 and Rezoning Application No. Z06-0033 - Seventh Day Adventist Church \(Rutland Seventh Day Adventist Church\) - 1215 Highway 33 West](#)
To extend the deadline for adoption of OCP Amending Bylaw No. 9928 and Zone Amending Bylaw No. 9929 from March 4, 2010 to September 4, 2010; To further extend the deadline for adoption of OCP Amending Bylaw No. 9928 and Zone Amending Bylaw No. 9929 from September 4, 2010 to March 4, 2011.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.01 [Bylaw No. 10322](#) - Discharge of Land Use Contract LUC74-57 - Dilworth Mountain Estates
To discharge Land Use Contract No. 74-57.
- 6.02 [Bylaw No. 10323 \(OCP09-0013\)](#) - Various Owners (City of Kelowna) - Dilworth Mountain Estates - **Requires a majority of all Members of Council (5)**
To change the future land use designation within Dilworth Mountain Estates from the "Single/Two Unit Residential" designation, the "Multiple Unit Residential - Low Density" designation, the "Commercial" designation, the "Major Park/Open Space" designation and the "Educational/Major Institutional" designation to the "Single/Two Unit Residential" designation", the "Multiple Unit Residential - Low Density" designation, the "Multiple Unit Residential - Medium Density" designation, the "Commercial" designation, the "Major Park/Open Space" designation and the "Public Service/Utilities" designation.
- 6.03 [Bylaw No. 10324 \(Z09-0044\)](#) - Various Owners (City of Kelowna) - Dilworth Mountain Estates
To rezone properties within Dilworth Mountain Estates from the A1-Agriculture 1 zone, the RU1 - Large Lot Housing zone and the P3 - Parks & Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone, the RM3 - Low Density Multiple Housing zone, the RM4 - Transitional Low Density Housing zone, the C5 - Transitional Commercial zone, the P3 - Parks & Open Space zone and the P4 - Utilities zone.
- 6.04 [Bylaw No. 10327 \(Z10-0009\)](#) - Jang & Raj Bhatti (Ray Bhatti) - 287 Kneller Road
To rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2s - Medium Lot Housing with Secondary Suite zone.
- 6.05 [Bylaw No. 10333 \(Z10-0016\)](#) - Beat & Therese Steuri - 453 Trumpeter Road
To rezone the subject property from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone.
- 6.06 [Bylaw No. 10346 \(Z10-0020\)](#) - John & Joan Dreher - 175 Bornais Street
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.

- 6.07 [Bylaw No. 10349 \(Z10-0007\)](#) - Skoglund Enterprises Ltd. (Worman Resources Inc.) - 1830-1836 Underhill Street
To rezone a portion of the subject property from the C2 - Neighbourhood Commercial zone to the C4 - Urban Centre Commercial zone.

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.01 General Manager, Community Sustainability, General Manager, Community Services and General Manager, Corporate Sustainability, dated July 7, 2010, re: [Quarterly Report Update](#)
To receive, for information, the Quarterly Report dated July 7, 2010.
- 7.02 Revenue Manager, dated July 7, 2010, re: [Heritage Tax Incentive Agreement between City of Kelowna and Kelowna Train Station Inc.](#)
To authorize the City to enter into an Agreement with Kelowna Train Station Inc. in order to obtain a permissive tax exemption for 1177 Ellis Street.
- 7.03 Acting Fire Chief, dated July 2, 2010, re: [Amendment to Fire Prevention Bylaw No. 6110-88](#)
To consider amendments to Fire Prevention Regulation Bylaw No. 6610-88.
- 7.04 Director, Infrastructure Planning, dated July 5, 2010, re: [Tip Fee Amendments for Solid Waste Management Regulation Bylaw No. 10106, Schedule "E" Sanitary Landfill/Recycling Fees](#)
To consider amendments to Solid Waste Management Regulation Bylaw No. 10106; To direct staff to advertise and notify customers of the tip fee changes; To direct staff to evaluate the impacts of Regional District of North Okanagan waste import and report back to Council.
- 7.05 Director, Infrastructure Planning, dated July 7, 2010, re: [City-Wide Water Supply and Treatment Options](#)
To receive, for information, the Report prepared by Associated Engineering dated June 2010; To direct staff to forward copies of the Associated Engineering Report dated June 2010, the July 7, 2010 Council Report and all associated Council Resolutions to the Minister of Community and Rural Development; To direct staff to formalize a Memorandum of Understanding with all water purveyors operating in the City limits.
- 7.06 Manager, Parks & Public Places, dated July 7, 2010, re: [Kelowna Passenger Ship Marina Expansion](#)
To approve an expenditure of \$60,000 to accommodate the marina expansion.
- 7.07 Manager, Utility and Building Projects, dated July 6, 2010, re: [Family Y Expansion T10-062](#)
To approve the award of the construction contract for the Family Y expansion to the lowest compliant tender.

- 7.08 Manager, Roads, Drainage & Solid Waste Projects, dated July 7, 2010, re: [Award of Construction Contract TE10-09 - Lakeshore Road Multi-path Corridor/Casorso/Barrera Multi-Use Corridor](#)
To award the contract for the construction of the Lakeshore Road Multi-path Corridor/Casorso/Barrera Multi-Use Corridor to Hayter Construction Ltd. in the amount of \$4,147,973.09.
- 7.09 Manager, Property Management, dated July 6, 2010, re: [Downtown Parking Management Plan](#)
To receive, for information, the Downtown Parking Management Plan dated March 2009 from Boulevard Transportation Group; To direct staff to complete a comprehensive management plan.
- 7.10 Manager, Property Management, dated July 6, 2010, re: [Parking Restriction in the South Pandosy Area](#)
To receive, for information, the Report of the Manager, Property Management dated July 6, 2010.
- 7.11 Manager, Property Management, dated July 6, 2010, re: [License of Occupation - Manhattan Point](#)
To approve the City entering into a License of Occupation with the Province of British Columbia for a breakwater and dock.
- 7.12 Manager, Property Management, dated July 6, 2010, re: [Rutland Recreation Park - BMX Facility](#)
To provide a one-time grant of \$7,000 as a funding partnership to the BMX Club in order to construct new washroom facilities in 2010.
- 7.13 Manager, Property Management, dated July 6, 2010, re: [Mobile Concession Agreement - D. Thompson](#)
To approve the City entering into a Concession Agreement with Daniel Thompson to provide exclusive mobile concession services to City-owned property for a term of three (3) years.
- 7.14 Manager, Property Management, dated July 6, 2010, re: [Gyro Beach Paddleboat Concession Agreement - Gyro Beach Watersports](#)
To approve the City entering into a Concession Agreement with Gyro Beach Watersports to provide exclusive concession and paddleboat services to City-owned property for a term of three (3) years.
- 7.15 Manager, Building Services, dated July 7, 2010, re: [Elks Stadium Canopy/Grandstand Upgrade](#)
To approve a budget of \$234,300 to complete the Elks Stadium Canopy recreation infrastructure project.
- 7.16 City Clerk, dated July 6, 2010, re: [Amendments to City of Kelowna Municipal Ticket Information Bylaw](#)
To consider amendments to City of Kelowna Ticket Information Bylaw No. 6550-89; To restrict the policy of reducing the face value of the Bylaw Vehicle Notice penalty to display valid permit only.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

NOTE: Agenda items No. 8.01 to 8.03 may be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.01 [Bylaw No. 10363](#) - Amendment No. 3 to Solid Waste Management Regulation Bylaw No. 10106
To amend Solid Waste Management Regulation Bylaw No. 10106 by deleting Sub-Sections 1.0, 2.0 and 3.0 of Schedule "E" in their entirety and replacing it with new Sub-Sections 1.0, 2.0 and 3.0 of Schedule "E".
- 8.02 [Bylaw No. 10375](#) - Amendment No. 14 to Fire Prevention Regulation Bylaw No. 6110-88
To amend Fire Prevention Regulation Bylaw No. 6110-88 by deleting subsection 6.6, sub-paragraph (d) (iii) in its entirety and replacing it with a new sub-paragraph (d) (iii).
- 8.03 [Bylaw No. 10384](#) - Amendment No. 76 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89
To amend City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 by (a) deleting and replacing certain words contained within the Bylaw; (b) deleting Schedule 1 in its entirety and replacing it with a new Schedule 1; (c) deleting Schedule 10 in its entirety and replacing it with a new Schedule 10; (d) deleting and replacing certain words in Schedule 11; (e) deleting and replacing certain phrases in Schedule 12; (f) deleting and replacing certain phrases in Schedule 13; and (g) deleting and replacing certain words in Schedule 15.

(BYLAWS PRESENTED FOR ADOPTION)

- 8.04 [Bylaw No. 10355](#) - Road Closure Bylaw - A Portion of Lane South of Osprey Avenue - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.
To permanently close and remove the highway dedication of a portion of land south of Osprey Avenue.
- 8.05 [Bylaw No. 10366](#) - Amendment No. 24 to the Airport Fees Bylaw No. 7982
To amend Airport Fees Bylaw No. 7982 by deleting Sections 15a, 15b and 16 in their entirety and replacing them with new Sections 15a, 15b and 16.
- 8.06 [Bylaw No. 10368](#) - Amendment No. 3 to Miscellaneous Fees and Charges Bylaw No. 9381
To amend Miscellaneous Fees and Charges Bylaw No. 9381 by deleting Schedule "B", Fees for Police Services in its entirety and replacing it with a new Schedule "B", Fees for Police Services.

9. MAYOR & COUNCILLOR ITEMS

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

10. TERMINATION