

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, AUGUST 22, 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 Hodge is requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.01 Superintendent McKinnon, re: [Bi-Monthly Policing Report](#)

3.02 Cheryl Miller, Grants Manager, Central Okanagan Foundation, re: [City of Kelowna Emergency Grant](#)

3.03 Heather Schneider, Head of Delegation, Kelowna International Children's Summer Games Team, re: [Report on the International Children's Summer Games held in Lanarkshire, Scotland from August 3-8, 2011](#)

4. DEVELOPMENT APPLICATION REPORTS

4.01 Land Use Management Department, dated August 16, 2011, re: [Agricultural Land Reserve Appeal Application No. A11-0003 - Paul Hackert \(Dan Desbiens\) - 4112 Lemcky Road](#) Mayor to invite the Applicant, or Applicant's Representative to come forward.

To consider a staff recommendation NOT to support an application to the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve.

4.02 Land Use Management Department, dated August 12, 2011, re: [Official Community Plan Bylaw Amendment Application No. OCP11-0004 and Rezoning Application No. Z11-0034 - Simple Pursuits Inc. \(Worman Commercial\) - 565, 591, 615, 641, 657 & 683 Osprey Avenue, 564 594, 616, 636 & 656 Raymer Avenue and 2764 Richter Street](#) Mayor to invite the Applicant, or the Applicant's Representative, to come forward.

To consider a staff recommendation NOT to change the future land use designations for the subject properties from the "Multiple Unit Residential - Medium Density" designation to the "Commercial" designation; To consider a staff recommendation NOT to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone.

- 4.03 Land Use Management Department, dated August 4, 2011, re: Text Amendment Application No. TA11-0005 - City of Kelowna - Housekeeping Text Amendments to Zoning Bylaw No. 8000
To consider various housekeeping amendments to City of Kelowna Zoning Bylaw No. 8000.
- (a) [Land Use Management Department report dated August 4, 2011.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10590 \(TA11-0005\)](#) - City of Kelowna - Miscellaneous Text Amendments to City of Kelowna Zoning Bylaw No. 8000
To amend City of Kelowna Zoning Bylaw No. 8000.
- 4.04 Land Use Management Department, dated August 10, 2011, re: Text Amendment Application No. TA11-0007 - New Town Architectural Services Inc. - CD2 - Kettle Valley Comprehensive Residential Development
To amend the signage regulations of the CD2 - Kettle Valley Comprehensive Residential Development Zone within the City of Kelowna Zoning Bylaw No. 8000 for signage to refer to the C3 - Community Commercial zone regulations of the Sign Bylaw instead of the C2 - Neighbourhood Commercial zone.
- (a) [Land Use Management Department report dated August 10, 2011.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10591 \(TA11-0007\)](#) - City of Kelowna - CD2 - Kettle Valley Comprehensive Residential Development - Amendment to City of Kelowna Zoning Bylaw No. 8000
To amend the signage regulations in City of Kelowna Zoning Bylaw No. 8000 with respect to the CD2 - Kettle Valley Comprehensive Residential Development zone.
- 4.05 Land Use Management Department, dated August 10, 2011, re: Rezoning Application No. Z11-0052 - Tracey-Lynne Pedlar - 360 Mugford Road
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 construct a secondary suite within the single-family dwelling.
- (a) [Land Use Management Department report dated August 10, 2011.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10592 \(Z11-0052\)](#) - Tracey-Lynne Pedlar - 360 Mugford Road
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.

- 4.06 Land Use Management Department, dated July 20, 2011, re: [Rezoning Application No. Z10-0025 - Martin C. Cleveland, Gregory C. Allen & Carol A. Cleveland \(Martin C. Cleveland\) - 1336 Mountainview Street](#)
To forward Bylaw No. 10367 for rescindment consideration; To direct staff to close the file.
- (a) [Land Use Management Department report dated July 20, 2011.](#)
- (b) **BYLAW PRESENTED FOR RECINDMENT AT THIRD READING**
[Bylaw No. 10367 \(Z10-0025\)](#) - Martin Cleveland, Gregory Allen and Carol Cleveland - 1336 Mountainview Street
To rescind first, second and third readings and close the file.
- 4.07 Land Use Management Department, dated August 17, 2011, re: [Development Variance Permit Application No. DVP11-0048 - Garlon Hui - 1338 Guisachan Road](#)
To receive, for information, the Report from the Land Use Management Department; To direct staff to forward a Development Variance Permit application for Council's consideration; To waive the requirement to forward the application to the Advisory Planning Commission.
- 4.08 Land Use Management Department, dated August 3, 2011, re: [Rezoning Application No. Z10-0034 - Richard & Debra Horner - 1820 Ivans Avenue](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10382 from August 10, 2011 to February 10, 2012.
- 4.09 Land Use Management Department, dated August 8, 2011, re: [Rezoning Application No. Z10-0045 - Gurmit & Naveep Sidhu and Rajwinder & Harparkash Rajan \(Gurmit Sidhu\) - 1750 McKenzie Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10394 from September 7, 2011 to March 7, 2012.
- 4.10 Land Use Management Department, dated August 17, 2011, re: [Rezoning Application No. Z10-0039 - Hardeep & Jarnail Goraya \(Axel Hilmer Planning Consultant\) - 721 Renshaw Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10372 from July 27, 2011 to January 27, 2012.

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

- 5.01 [Bylaw No. 8866 \(Z01-1059\)](#) - City of Kelowna - 5160 Chute Lake Road
To rezone the subject property from the P4 - Utilities zone to the P2 - Education and Minor Institutional zone.

- 5.02 [Bylaw No. 10477 \(Z10-0074\)](#) - Arjan Poonian (Protech Consultants Ltd.) - 781 Wallace Road
To rezone portions of the subject property from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone and the RR2 - Rural Residential 2 zone.
- 5.03 [Bylaw No. 10541 \(TA11-0002\)](#) - To create a new Section 17 - Health District Zone - HD1 Kelowna General Hospital
To amend City of Kelowna Zoning Bylaw No. 8000 by creating a new HD1 - Kelowna General Hospital zone.
- 5.04 [Bylaw No. 10542 \(Z11-0015\)](#) - Interior Health Authority - 2268 Pandosy Street
To rezone the subject property from the P1 - Major Institutional zone to the HD1 - Kelowna General Hospital zone.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.01 Manager, Long Range Planning, dated July 22, 2011, re: [Official Community Plan 2030 Bylaw No. 10500 - Council Resolutions](#)
To receive, for information, the Report from the Manager, Long Range Planning.
- 6.02 Policy & Planning Department, dated August 17, 2011, re: [Community Wildfire Protection Plan](#)
To receive, for information, the Report from the Policy & Planning Department.
- 6.03 Manager, Development Engineering, dated August 17, 2011, re: [Latecomer Charges - Reservoir ESA 13 - Randhawa Reservoir](#)
To require the owner of Lot A, Plan 18646 to provide the excess or extended services as outlined in Latecomer Agreement No. 2250-70-87; To impose Latecomer Charges; To authorize the City to enter into Latecomer Agreement No. 2250-70-87; To direct staff to advise the owners of the benefiting lands, in writing, of the Latecomer Charge to be imposed.
- 6.04 Manager, Cultural Services, dated August 17, 2011, re: [Kelowna Community Theatre \(1375 Water Street\) Sound System Upgrade - Grant Application to Canadian Heritage and Use of Capital Improvement Fee Funds](#)
To receive, for information, the Report from the Manager, Cultural Services; To approve an amendment to the 2011 Financial Plan; To direct staff to submit an application to the Department of Canadian Heritage's Canada Cultural Spaces Fund for grant funding of \$130,000.00.
- 6.05 Manager, Property Management, dated August 17, 2011, re: [Bareland Lease to Cota Top Coat Sealing Ltd. \(St. Paul Street\)](#)
To approve the City entering into a one (1) year Lease Agreement with Cota Top Coat Sealing Ltd. for the purpose of storage on City-owned property.

- 6.06 Director, Infrastructure Planning, dated August 17, 2011, re: [FCM Sustainable Communities Awards](#)
To receive, for information, the Report from the Director, Infrastructure Planning; To direct staff to submit an application for the 2011 FCM Sustainable Communities Awards for Kelowna's Active Transportation Network.
- 6.07 Financial Strategist, Infrastructure Planning, dated August 17, 2011, re: [Development Cost Charge Bylaw No. 10515, Amendment No. 1](#)
To receive, for information, the Report from the Financial Strategist; To give reading consideration to Bylaw No. 10589 being Amendment No. 1 to Development Cost Charge Bylaw No. 10515.
- 6.08 City Clerk, dated August 16, 2011, re: [Local Area Service, Bernard Avenue Revitalization Project - Petitioning Information](#)
To receive, for information, the Report from the City Clerk; To set the closing date for the Local Service Area - Bernard Avenue Revitalization Project as Monday, October 3, 2011 at 4:00 pm.
- 6.09 City Clerk, dated July 4, 2011, re: [Amendments to Noise and Disturbances Control Bylaw No. 6647-90](#)
To receive, for information, the Report from the City Clerk; To give reading consideration to Bylaw No. 10573, being Amendment No. 9 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

NOTE: Agenda items No. 7.01 and 7.02 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)

- 7.01 [Bylaw No. 10573](#) - Amendment No. 9 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90
To consider various amendments to Kelowna Noise and Disturbances Control Bylaw No. 6647-90.
- 7.02 [Bylaw No. 10589](#) - Amendment No. 1 to Development Cost Charge Bylaw No. 10515
To consider various amendments to Development Cost Charge Bylaw No. 10515.

8. MAYOR & COUNCILLOR ITEMS

- 8.01 Mayor Shepherd, re: ["Spirit of Kelowna" Acknowledgment](#)

9. TERMINATION