

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, NOVEMBER 14, 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.

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

3. PUBLIC IN ATTENDANCE

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

3.2 Alex Burnham, Miss Kelowna Lady of the Lake 2011-2012, and Erin Van Zyderveld, Kelowna Princess 2011-2012, re: [2011 Japan Report](#)

4. COMMITTEE REPORTS

4.1 Women's and Community Advisory Committee, dated October 28, 2011, re: [Women's and Community Advisory Committee Term End Report](#)
To direct staff to consider the Committee's recommendations from the 2009 and 2011 community forums with respect to communication, community and wellness.

5. DEVELOPMENT APPLICATION REPORTS

5.1 Land Use Management Department, dated November 4, 2011, re: [Agricultural Land Reserve Appeal Application No. A11-0011 - Dejan & Mihaela Rasovic \(Dejan Rasovic\) - 3985 Fairwinds Court](#) Mayor to invite the Applicants, or Applicants' representative, to come forward.
*To consider a staff recommendation **NOT** to support an application to the Agricultural Land Commission pursuant to Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve in order to permit a detached secondary suite.*

- 5.2 Land Use Management Department, dated October 24, 2011, re: [Agricultural Land Reserve Appeal Application No. A11-0013 - Randy & Kim Spencer \(Randhal & Kim Spencer\) - 2225 Brentwood Road](#) Mayor to invite the Applicants, or Applicants' representative, to come forward.
To consider a staff recommendation NOT to support an application to the Agricultural Land Commission pursuant to Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve in order to permit a detached secondary suite.
- 5.3 Land Use Management Department, dated November 2, 2011, re: [Rezoning Application No. Z11-0074 - Baljit Singh Khakh & Jasvinder Kaur Khakh \(Balwinder Takhar\) - 855 Mayfair 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 new single-family dwelling containing a secondary suite.
- (a) [Land Use Management Department report dated November 2, 2011.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10633 \(Z11-0074\)](#) - Baljit & Jasvinder Khakh (Balwinder Takhar) - 855 Mayfair Road
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.
- 5.4 (a) **BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING**
- [Bylaw No. 10520 \(OCP10-0014\)](#) - City of Kelowna - 575-599 & 653 Harvey Avenue - Requires a majority of all Members of Council (5)
To rescind 1st, 2nd and 3rd readings given to Bylaw No. 10520 and to direct staff to close the file.
- (b) **BYLAWS PRESENTED FOR ADOPTION**
- (i) [Bylaw No. 10462 \(TA10-0011\)](#) - Adding a new CD22 - Central Green Comprehensive Development Zone to the City of Kelowna Zoning Bylaw No. 8000
To amend City of Kelowna Zoning Bylaw No. 8000 to include the new CD22 - Central Green Comprehensive Development Zone.
- (ii) [Bylaw No. 10521 \(Z10-0078\)](#) - City of Kelowna - 575-599 & 653 Harvey Avenue
To rezone Lot A, Plan 2031 from the C4 - Urban Centre Commercial zone to the CD22 - Central Green Comprehensive Development zone; To rezone Lot A, Plan KAP52333 except Plan KAP81471 from the P2 - Education and Minor Institutional zone to the CD22 - Central Green Comprehensive Development zone.

- (iii) [Bylaw No. 10468](#) - Amendment No. 17 to Sign Bylaw No. 8235
To amend Section 6, Sub-section 6.1 of the City of Kelowna Sign Bylaw No. 8235.

- (c) Land Use Management Department, dated November 8, 2011 re: [Development Permit Application No. DP10-0131 - City of Kelowna - 575-599 & 653 Harvey Avenue](#)
To authorize the issuance of an overarching Form & Character Development Permit for the entire Central Green development site.

- 5.5 Land Use Management Department, dated November 3, 2011, re: [Official Community Plan Bylaw Amendment Application Nos. OCP10-0017, OCP10-0018, OCP10-0019 & OCP10-0020 - Matthew Ewonus, Kim & John Berg, Shanny & Marlin Toews and 567752 BC Ltd. \(Protech Consultants Ltd.\) - 3130, 3150, 3170 & 3190 Sexsmith Road](#)
To forward Bylaw Nos. 10441, 10442, 10444 and 10446 for rescindment consideration.
 - (a) [Land Use Management Department report dated November 3, 2011.](#)

 - (b) **BYLAWS PRESENTED FOR RESCINDMENT AT THIRD READING**
 - (i) [Bylaw No. 10441 \(OCP10-0017\)](#) - Matthew James Ewonus (Protech Consultants) - 3130 Sexsmith Road - **Requires a majority of all Members of Council (5)**
To rescind 1st, 2nd & 3rd readings given to Bylaw No. 10441 and to direct staff to close the file.

 - (ii) [Bylaw No. 10442 \(OCP10-0018\)](#) - Kimberly & John Berg (Protech Consultants) - 3150 Sexsmith Road - **Requires a majority of all Members of Council (5)**
To rescind 1st, 2nd & 3rd readings given to Bylaw No. 10442 and to direct staff to close the file.

 - (iii) [Bylaw No. 10444 \(OCP10-0019\)](#) - John & Kim Berg and Shanny & Marlin Toews (Protech Consultants) - 3170 Sexsmith Road - **Requires a majority of all Members of Council (5)**
To rescind 1st, 2nd & 3rd readings given to Bylaw No. 10444 and to direct staff to close the file.

 - (iv) [Bylaw No. 10446 \(OCP10-0020\)](#) - 567752 BC Ltd. (Protech Consultants) - 3190 Sexsmith Road - **Requires a majority of all Members of Council (5)**
To rescind 1st, 2nd & 3rd readings given to Bylaw No. 10446 and to direct staff to close the file.

- 5.6 Land Use Management Department, dated October 31, 2011, re: [Rezoning Application No. Z09-0035 - Matthew Ewonus \(Protech Consultants Ltd.\) - 3130 Sexsmith Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10436 from November 16, 2011 to May 16, 2012.
- 5.7 Land Use Management Department, dated October 31, 2011, re: [Rezoning Application No. Z10-0092 - Kimberly & John Berg \(Protech Consultants Ltd.\) - 3150 Sexsmith Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10443 from November 16, 2011 to May 16, 2012.
- 5.8 Land Use Management Department, dated October 31, 2011, re: [Rezoning Application No. Z10-0093 - Kimberly & John Berg and Shanny & Marlin Toews \(Protech Consultants Ltd.\) - 3170 Sexsmith Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10445 from November 16, 2011 to May 16, 2012.
- 5.9 Land Use Management Department, dated October 31, 2011, re: [Rezoning Application No. Z10-0094 - 567752 BC Ltd. \(Protech Consultants Ltd.\) - 3190 Sexsmith Road](#)
To extend the deadline for adoption of Zone Amending Bylaw No. 10447 from November 16, 2011 to May 16, 2012.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 [Bylaw No. 10330 \(Z10-0018\)](#) - Sarabjit & Kuldip Buttar (Axel Hilmer) - 729 Renshaw Road
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.
- 6.2 [Bylaw No. 10568 \(OCP11-0006\)](#) - 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 consider various amendments to Kelowna 2030 - Official Community Plan Bylaw No. 10500 in relation to the Downtown Plan Charrette recommendations with respect to building height.
- 6.3 [Bylaw No. 10594 \(TA11-0009\)](#) - City of Kelowna - Downtown Plan Charrette
To consider various amendments to City of Kelowna Zoning Bylaw No. 8000 in relation to the Downtown Plan Charrette recommendations with respect to building height.

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Manager, Building & Permitting Branch, dated November 8, 2011, re: [Bylaw Nos. 10483, 10631 and 10632 - Fee Implementation Date](#)
To forward Bylaw Nos. 10483, 10631 and 10632 for amendment at third reading.
- 7.2 Manager, Property Management, dated November 8, 2011, re: [Free Downtown Parking on Saturdays in December](#)
To approve free on-street parking in the downtown area on December 3, 10, 17, 24 and 31, 2011.
- 7.3 Manager, Property Management, dated November 8, 2011, re: [Lease to Justice Institute of British Columbia](#)
To approve the City entering into a three (3) year Lease Agreement with The Justice Institute of British Columbia for the use of City-owned property located at 825 Walrod Street.
- 7.4 Parks Planner, dated November 9, 2011, re: [Knox Mountain Park Management Plan 2011](#)
To direct staff to use the Knox Mountain Management Plan 2011 as a guide for future planning of the park; To direct staff to consider the appropriate priority to be given to the management of Knox Mountain Park in the development of the new long-term capital plan.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR AMENDMENT AT THIRD READING)

- 8.1 [Bylaw No. 10483](#) - Amendment No. 1 to City of Kelowna Gas Bylaw No. 9316
To amend Bylaw No. 10483 at third reading so that the fee increases are effective January 1, 2012.
- 8.2 [Bylaw No. 10631](#) - Amendment No. 7 to City of Kelowna Plumbing Regulation Bylaw No. 5968-87
To amend Bylaw No. 10631 at third reading so that the fee increases are effective January 1, 2012.
- 8.3 [Bylaw No. 10632](#) - Amendment No. 11 to City of Kelowna Building Bylaw No. 7245
To amend Bylaw No. 10632 at third reading so that the fee increases are effective January 1, 2012.

(BYLAWS PRESENTED FOR ADOPTION)

- 8.4 [Bylaw No. 10628](#) - 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 authorize the City to permanently close and remove the highway dedication of a portion of highway on a portion of lane south of Osprey Avenue.

9. MAYOR & COUNCILLOR ITEMS

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

10. TERMINATION