

CITY OF KELOWNA
REGULAR COUNCIL AGENDA
COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET
MONDAY, APRIL 28, 2003
1:30 P.M.

1. CALL TO ORDER
2. Councillor Clark to check the minutes of the meeting.
3. UNFINISHED BUSINESS

PLANNING BYLAWS DEFERRED FROM THE PUBLIC HEARING OF APRIL 15, 2003

- 3.1 Text Amendment TA02-0007 to amend Zoning Bylaw 8000 to address new Provincial liquor control policies; and Z03-1007 to add the LP and RLS designation to various properties

(a) **(BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING)**

- (i) Bylaw No. 8960 (TA02-0007) – City of Kelowna Zoning Bylaw Text Amendment
Amendments to address new Provincial Liquor Control Policies.
 - (ii) Bylaw No. 8980 (Z03-1007) – Various Properties (City of Kelowna)
To add the LP (Liquor Primary) and RLS (Retail Liquor Sales) designation to the current zoning of properties that will become non-conforming with amendments to the City of Kelowna Zoning (TA02-0007) that are required in response to Provincial Government changes to liquor licensing regulations.
- (b) Planning & Development Services Department, dated April 23, 2003 re: Zoning Bylaw Text Amendment No. TA02-0007 and Rezoning Application No. Z03-0007 & Z03-0021– City of Kelowna (BL8960 & 8980)
To advance the amended Bylaw No. 8960 to a new public hearing for public input on the amendments that limit the gross floor area of retail liquor sales establishments to 186m², to advance the amended Bylaw No. 8980 to a new public hearing for public input on the addition of four properties to the bylaw to be rezoned to add the LP designation to their parent zones and to rezone 10 properties listed in the report by adding the RLS designation to their parent zone.

4. PLANNING

- 4.1 Planning & Development Services Department, dated April 14, 2003, re: Agricultural Land Reserve Appeal No. A03-0003 – Michael Eichhorst (Axel Hillmer) – 1341 Latta Road
Application to subdivide within the ALR to create an additional lot
- 4.2 Planning & Development Services Department, dated April 17, 2003 re: Agricultural Land Reserve Appeal No. A03-0004 – John & Marion Schell (Robert Runnals) – 3250 East Kelowna Road
Application to subdivide within the ALR for a homesite severance.

- 4.3 Planning & Development Services Department, dated April 16, 2003 re: Rezoning Application No. Z03-0015 – Douglas & Brenda Elmore – 2722 Dubbin Road
Rezone the property from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 with Secondary Suite zone to permit the construction of a secondary suite above an attached garage
- 4.4 Planning & Development Services Department, dated April 9, 2003 re: Rezoning Application No. Z03-0014 – Shelly Gellner – 942 Nassau Crescent
Rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to legalize an existing suite located in the basement of a single detached dwelling.
- 4.5 Planning & Development Services Department, dated April 23, 2003 re: Rezoning Application No. Z01-1050 – Dale Draper (Pauline Draper) – 2034 Pandosy Street
Rezone the property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to permit the addition of a second dwelling on the property
- 4.6 Planning & Development Services Department, dated April 23, 2003 re: Zoning Bylaw Text Amendment No. TA03-0001 – Porter Ramsay/Tom Smithwick
To amend the Apartment Hotel definition in Zoning Bylaw No. 8000 by deleting reference to the maximum residency period of 240 days in one year.
- 4.7 (a) **BYLAWS PRESENTED FOR ADOPTION**
- (i) Bylaw No. 8905 (OCP02-0010) – Lutheran Church of Canada, The Alberta-British Columbia District (Brian Quiring, MQLN Architects) – 4091 Lakeshore Road **requires majority vote of Council (5)**
To change the future land use designation in the OCP to Education/Major Institutional, Multiple Unit Residential (Low Density) and Multiple Unit Residential (Medium Density) to accommodate the development of a church and school facility along with a housing component.
- (ii) Bylaw No. 8906 (Z02-1018) – Lutheran Church of Canada, The Alberta-British Columbia District (Brian Quiring, MQLN Architects) – 4091 Lakeshore Road
To rezone the property to add the P2 – Education and Minor Institutional zone to the site and to adjust the boundaries of the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zone sites to permit development of a school and church facility along with a multiple housing component.
- (b) Planning & Development Services Department, dated April 23, 2003 re: Development Permit Application No. DP02-0117 – Lutheran Church of Canada, The Alberta-British Columbia District (Brian Quiring, MQLN Architects) – 4091 Lakeshore Road
To authorize construction of eight 2-storey row housing buildings containing 35 units and construction of a 4-storey 50-unit apartment building

- 4.8 Planning & Development Services Department, dated April 23, 2003 re: Kelowna Heritage Register and the Federal Historic Places Initiative (6800-02)
Authorize staff to apply for a Provincial grant to be used with City funds for the purpose of upgrading the Kelowna Heritage Register database to federal standards.
- 4.9 Planning & Development Services Department, dated April 23, 2003 re: Suites in Accessory Buildings Workshop and Sensitive Infill Development
Authorize staff to prepare education design guidelines and draft zoning bylaw amendments for sensitive development of accessory building containing secondary suites for Council's consideration.

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 8991 (OCP02-0015) – The Kirschner Family (Allan Kirschner and Dan Middal) – 2045, 2053 and 2061 Garner Road, 1625 Verdure Road and 2980 Gallagher Road **Requires majority vote of Council (5)**
To amend the OCP and the Kirschner Mountain Area Structure Plan to allow for medium density residential.
- 5.2 Bylaw No. 8992 (Z02-1015) - The Kirschner Family (Allan Kirschner and Dan Middal) – 2045, 2053 and 2061 Garner Road, 1625 Verdure Road and 2980 Gallagher Road
To rezone the property from A1 – Agriculture 1 to RU1h – Large Lot Housing (Hillside Area), RU4h – Low Density Cluster Housing (Hillside Area), RU6h – Two Dwelling Housing (Hillside Area), and P3 – Parks & Open Space to facilitate the creation of 108 single-family lots.

6. REPORTS

- 6.1 Director of Financial Services, dated April 22, 2003 re: Amendment No. 4 to Bylaw No. 8788 – Five Year Financial Plan, 2002 to 2006 (BL9016)
Approve changes in the five year financial plan to reflect changes in the 2002 Operating and Capital budgets
- 6.2 Director of Financial Services, dated April 22, 2003 re: 2003 Tax Distribution Policy (1970-01)
Approve the 2003 municipal tax distribution
- 6.3 Director of Financial Services, dated April 23, 2003 re: Conventional & Custom Transit Annual Operating Agreements
Approval of 2003/2004 operating agreements for conventional and custom transit services with Farwest Transit Services and BC Transit
- 6.4 Inspection Services Manager, dated April 2, 2003 re: Amendment No. 10 to Building Bylaw No. 7245
Consider amendments to the Building Bylaw which will eliminate the Certified Professional Program.
- 6.5 Civic Properties Project Supervisor, dated April 22, 2003 re: Contract Award for Partial Deconstruction of former Kelowna Secondary School (0710-20)
Award contract to Napp Enterprises in the amount of \$676,000.00

- 6.6 Civic Properties Manager, dated April 23, 2003 re: Proposed Moorage Rental for Sails Dock Moorage Space
Authorize staff to rent moorage space at the City dock next to the Sails Fountain to Lake Okanagan Resort
- 6.7 Parks Manager, dated April 22, 2003 re: Proposed Beach Access Initiatives
Authorize staff to undertake initiatives to prevent and reduce undesirable behaviour at beach accesses
- 6.8 Parks Manager, dated April 22, 2003 re: Contract Award for PRC Eastfield and Parking, Phase III
To award the tender for development and landscaping of parking lot, trail construction and construction of second entrance to Apple Bowl to Sierra Landscaping Ltd in the amount of \$439,426.06
- 6.9 Parks Manager, dated April 22, 2003 re: Contract Award for Mission District Park On-Site Servicing
To award tender for development of access road along the south and east perimeter of Mission District Park including parking, stormwater drainage, water supply, sanitary sewer service, landscaping and pedestrian trails to OK Excavating in the amount of 2,521,144.00

7. RESOLUTIONS

- 7.1 Draft Resolution re: Council Policy Amendments
Changes to various financial Council Policies arising from the retirement of Cliff Kraft, Director of Finance and Corporate Services.
- 7.2 Draft Resolution re: Appointment – City Clerk
Rescind David Shipclark’s appointment as City Clerk and appoint Allison Flack as City Clerk

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

*Note: Agenda Items No. 8.1 and 8.2 **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.*

- 8.1 Bylaw No. 9011 – Amendment No. 10 to Building Bylaw No, 7245
*Eliminate the option of using the Certified Professional Program when building in Kelowna **See report under 6.4***
- 8.2 Bylaw No. 9015 – Amendment No. 4 to Five Year Financial Plan Bylaw No. 8788
*Amendments to reflect changes in 2002 operating and capital budgets **See report under 6.1***

(BYLAWS PRESENTED FOR ADOPTION)

- 8.3 Bylaw No. 8969 – Amendment No. 1 to Kelowna Noise Control Bylaw No. 6647
To amend the bylaw to also regulate/prohibit the making or causing of disturbances.
- 8.4 Bylaw No. 8970 – Amendment No. 60 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89
To add a \$150 fine for fighting.

- 8.5 Bylaw No. 8995 – Road Exchange Bylaw – Palmer Road
To exchange a portion of Palmer Road for a portion of Lot 8, Plan 896.
- 8.6 Bylaw No. 9005 – Officer Positions Establishment Bylaw
To change “Director of Finance & Corporate Services” to “Director of Financial Services”.
- 8.7 Bylaw No. 9006 – Municipal Employees Financial Disclosure Bylaw
To change “Director of Finance & Corporate Services” to “Director of Financial Services”.
- 8.8 Bylaw No. 9007 – Amendment No. 4 to Disbursement of City Funds Bylaw No. 6090-87.
To change “Director of Finance & Corporate Services” to “Director of Financial Services”.
- 8.9 Bylaw No. 9008 – Amendment No. 15 to Garbage Collection Bylaw No. 7173
To change “Director of Finance & Corporate Services” to “Director of Financial Services”.
9. COUNCILLOR ITEMS
10. TERMINATION