

CITY OF KELOWNA
REGULAR COUNCIL AGENDA
COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, JUNE 7, 2004

1:30 P.M.

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

(BYLAW PRESENTED FOR 2ND & 3RD READINGS AND ADOPTION)

- 3.1 Bylaw No. 9234 (OCP04-0008) - Cedar Avenue Land Use Review **requires majority vote of Council (5)** - reading consideration deferred from May 18, 2004 Regular Meeting.
To endorse the recommendations from the Cedar Avenue land use review and proceed with a bylaw to amend the long term future land use designations in the Official Community Plan of the properties within the review area.

4. PLANNING

- 4.1 Planning & Corporate Services Department, dated May 18, 2004 re: Rezoning Application No. Z04-0021 and OCP04-0007 – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Byrns Road
To amend the OCP future land use designation from Multiple Unit Residential Low Density to Single/Two Unit Residential and rezone the property from A1 – Agriculture 1 to RU5 – Bareland Strata Housing to accommodate a 50-unit bareland strata subdivision.
- 4.2 Planning & Corporate Services Department, dated May; 10, 2004 re: Agricultural Land Reserve Appeal No. A04-0004 – Mike & Josephine Schleppe and Rashwa & Sarita Gopal (Keith Funk/New Town Planning Services Inc.) – 4215 Wallace Hill Road
*To consider a staff recommendation to **not** support a request to exclude part of the property from the Agricultural Land Reserve to accommodate a 6 lot subdivision and allow a partial subdivision to create 2 lots within the ALR.*
- 4.3 Planning & Corporate Services Department, dated May 10, 2004 re: Agricultural Land Reserve Appeal No. A04-0005 – R & B Construction/R. & B. Poonian (Tony Markoff/Planning Solutions Consulting) – 908 El Paso Road
*To consider a staff recommendation to **not** support an appeal to exclude the property from the ALR on the basis that the land is not agriculturally viable.*
- 4.4 Planning & Corporate Services Department, dated May 19, 2004 re: Rezoning Application No. Z04-0016 – Gary Grant and Joyce Decock (Tony Lockhorst/Emeral Developments Inc.) – 993 & 1003 Harvey Avenue
To rezone the property from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing to facilitate a 4-storey, 47-unit apartment housing development.
- 4.5 Planning & Corporate Services Department, dated May 25, 2004 re: Rezoning Application No. Z01-1063 – Luigi Giovanni Russo (Tom Smithwick) – 982 & 1040 Old Vernon Road (B/L 8832; B/L8833)
To extend the deadline for adoption of OCP Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 to October 23, 2004.

- 4.6 Planning & Corporate Services Department, dated May 27, 2004 re: Rezoning Application No. Z04-0031 – Candace & Andrew Wheeler – 3195 Hall Road
To rezone the property from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 with Secondary Suite to accommodate a suite in the upper level of a garage proposed for construction as an addition to the existing single family dwelling.
- 4.7 Planning & Corporate Services Department, dated June 1, 2004 re: Rezoning Application No. Z04-0026 – Mailey Developments Ltd. (John Mailey) – 518 & 548 McKay Avenue
To rezone the properties from RU6 – Two Dwelling Housing to C4 – Town Centre Commercial to facilitate consolidation of the lots to accommodate development of the site with a 4-storey mixed use building with commercial space on the main floor and three storeys of residential units above.
- 4.8 (a) **BYLAW PRESENTED FOR ADOPTION**
Bylaw No. 9176 (Z03-0055) – Maxwell House Developments Ltd. – 245 Glenmore Road
To rezone the property from A1 – Agriculture 1 to RM3 – Low Density Multiple Housing and P3 – Parks and Open Space to accommodate the development of 24 townhouse residential units in a total of 8 buildings.
- (b) Planning & Corporate Services Department, May 31, 2004 re: Development Permit Application No. DP03-0126 – Maxwell House Developments Ltd. – 245 Glenmore Road
To approve the form and character of a proposed development comprising 24 townhouse units in 4 two-unit buildings and 4 four-unit buildings.
- 4.9 (a) **BYLAWS PRESENTED FOR ADOPTION**

(i) Bylaw No. 9186 (LUC78-1009) – Vincent & Giovannina Magaldi (R469 Enterprises Ltd.) – 2131 Scenic Road
To discharge the existing Land Use Contract currently governing use of the property.
- (ii) Bylaw No. 9187 (Z03-0063) – Vincent & Giovannina Magaldi (R469 Enterprises Ltd.) – 2131 Scenic Road
To rezone the property from A1 – Agriculture 1 to RM3 – Low Density Multiple Housing to facilitate the construction of 16 two-storey townhouse units developed in two 3-unit buildings and one 10-unit building.
- (b) Planning & Corporate Services Department, June 1, 2004 re: Development Permit Application No. DP03-0159 – Vince & Giovannina Magaldi (Barb Danielsen/R469 Enterprises Ltd.) – 2131 Scenic Road
To approve the form and character of a proposed development comprising 16 two-storey townhouse units in two 3-unit buildings and one 10-unit building.

4.10 (a) **BYLAWS PRESENTED FOR ADOPTION**

(i) Bylaw No. 9207 (Z04-0009) – Mamre Holdings Inc. (Renee Wasylyk) – 1832/1844 Ambrosi Road
To rezone the properties at 1832 and 1844 Ambrosi from RU1 – Large Lot Housing to C5 – Transition Commercial in order to facilitate a mixed use commercial/residential development that will also include the property at 1856 Ambrosi Road which is being rezoned to C5 under a separate application.

(ii) Bylaw No. 9100 (Z03-0041) – Mamre Holdings Inc. (Renee Wasylyk) – 1856 Ambrosi Road
To rezone the property from the RU1 – Large Lot Housing Zone to the C5 – Transition Commercial Zone to facilitate development of a mixed use commercial/residential building.

(b) Planning & Corporate Services Department, May 31, 2004 re: Development Permit Application No. DP04-0012 – Mamre Holdings Inc. – 1832/1844 Ambrosi Road
To approve the form and character of a proposed 2-storey mixed use commercial/residential building with office space at-grade and 5 residential units above.

4.11 Planning & Corporate Services Department, dated May 25, 2004 re: Text Amendment No. TA04-0002 – City of Kelowna
To amend the Zoning Bylaw No. 8000 with respect to structural projections in required yards.

4.12 Planning & Corporate Services Department, dated June 1, 2004 re: Text Amendment No. TA04-0003 – City of Kelowna – Large Lot Housing and Medium Lot Housing Zones
To amend the RU1/RU1s/RU1h/RU2/RU2s/RU2h/RU2hs zones to correct inconsistencies in the setback requirements and building height requirements.

4.13 Planning & Corporate Services Department, dated May 17, 2004 re: Proposed Amendment to Official Community Plan – Restricting Development in Areas Designated for Future Urban Reserve
To direct staff to bring forward a bylaw to amend the OCP to require property owners who wish to subdivide or rezone lands that are within the Future Urban Reserve to obtain Council approval to change the OCP to designate the property to some land use other than Future Urban Reserve.

4.14 Planning & Corporate Services Department, dated May 6, 2004 re: Council Policy No. 315 – Liquor Licensing Procedures – Liquor Primary (lp) and Retail Liquor Sales (rls)
To rescind the existing Council Policy No. 255 and approve a new policy to maintain conformity with LCB licensing procedures and new policy adopted through the Mayor's Entertainment District Task Force.

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

(BYLAWS PRESENTED TO RESCIND FIRST READING AND CLOSE THE FILE)

5.1 Bylaw No. 8842 (OCP01-016) – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive **requires majority vote of Council (5)**
To change the future land use from Multiple Unit Residential – Low Density and Multiple Unit Residential – Medium Density to Educational/Major Institutional

(BYLAWS PRESENTED TO RESCIND FIRST READING AND CLOSE THE FILE) – Cont'd

- 5.2 Bylaw No. 8843 (Z01-1058) – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive
To rezone the property from A1 – Agriculture 1 to P2 – Education and Minor Institutional to permit the construction of a private recreational club with outdoor and indoor pools, several gyms, an aerobic studio, squash courts, a spa, conference rooms, a restaurant and coffee shop, as well as health facilities.

(BYLAW PRESENTED FOR DEFEAT AT FOURTH READING)

- 5.3 Bylaw No. 8986 (Z02-1060) – Ian & Marguerite Sisett – 518 McKay Avenue
To rezone the property from RU6 – Two Dwelling Housing to C4 – Town Centre Commercial to allow use of the existing dwelling as a retail store.

(BYLAWS PRESENTED FOR ADOPTION)

- 5.4 Bylaw No. 9016 (Z03-0021a) – Willcliff Holdings Ltd. (RJ McMasters Pub) – 1992 Dilworth Drive
Add the Retail Liquor Sales (rls) designation to the C6 – Regional Commercial parent zone to permit a retail liquor sales establishment for an application that is currently in-stream with the Liquor Control and Licensing Branch
- 5.5 Bylaw No. 9024 (Z03-0021i) – Grand Okanagan Resort – 1310 Water Street
Add the Retail Liquor Sales (rls) designation to the C8 – Convention Hotel Commercial parent zone to permit a retail liquor sales establishment for an application that is currently in-stream with the Liquor Control and Licensing Branch

6. REPORTS

- 6.1 Civic Properties Manager, dated May 26, 2004 re: Sails Dock Moorage Space – Licence to Use (0710-40)
Authorization for the Civic Properties Manager to sign an agreement with Lake Okanagan Resort for lease of moorage space at the City dock next to the Sails Fountain for the term May 14, 2004 to September 15, 2004 for a fee of \$12,000.
- 6.2 Director of Works & Utilities, dated May 28, 2004 re: Electric Poles and Wires Removal – Highway 97, Spall to Leckie Roads (5520-01)
To approve the under-grounding of electrical wires in order that the existing poles and wires can be removed to allow for the ultimate completion of the third westbound lane on Highway 97.
- 6.3 Inspection Services Manager, dated June 2, 2004 re: Application for Stratification of Four-Plex (ST03-21) – 1151-1157 Houghton Road (3760-10)
Mayor to invite anyone in the public gallery who deems themselves affected to come forward
For approval to stratify the 4-plex in the name of L & M Marketing Ltd. with no conditions.
- 6.4 Transportation Manager, dated May 31, 2004 re: Temporary Closure of Paret Road South of Barnaby Road (5400-04)
For approval to temporarily close Paret Road, between Barnaby/Steele Roads and Arborview Drive to motor vehicle traffic by placing barricades at both ends of the road.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

7.1 Bylaw No. 9227 – Second Hand Dealer and Pawnbroker Regulation Bylaw
Mayor to invite anyone in the public gallery who deems themselves affected by the proposed bylaw amendments to come forward
To adopt a new bylaw to regulate second hand dealers and pawnbrokers.

7.2 Bylaw No. 9242 – MTI New Pawnbroker Bylaw Amendment No. 63
Sets fines for contraventions to the new Regulation of Secondhand Dealers and Pawnbrokers Bylaw No. 9227

8. COUNCILLOR ITEMS

(a) Notice of Motion – Councillor Shepherd re: Public Review Process – Designation of Heritage Conservation Area (6800-05)

9. TERMINATION