

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

MONDAY, OCTOBER 4, 2004

1:30 P.M.

1. CALL TO ORDER

2. Councillor Blanleil to check the minutes of the meeting.

3. UNFINISHED BUSINESS

- 3.1 **Deferred from September 28, 2004 Regular Meeting** Planning & Corporate Services Department, dated September 1, 2004 re: Development Variance Permit Application No. DVP04-0098 – Lisa Stewart and Vernon Nielsen (Vernon Nielsen) – 5460 & 5462 Lakeshore Road **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance to come forward**
To grant a variance to allow retaining walls that are 1.6 m and 2.2 m in height where only 1.2 metres is permitted.

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 (a) Planning & Corporate Services Department, dated September 29, 2004 re: Rezoning Application No. Z01-1045 and OCP01-011 – Rychjohn Investments Ltd. (Lawrence Rychjohn) – 3163 Richter Street (B/L 8756 and B/L 8757)
To rescind first, second and third readings of both bylaws so that the files can be closed as the applicant has elected to not proceed with the application.
- (b) **BYLAWS PRESENTED TO RESCIND READINGS & CLOSE THE FILE**
- (i) Bylaw No. 8756 (OCP01-011) – Rychjohn Investments Ltd. (Carl Scholl Design) – 3163 Richter Street **requires majority vote of Council (5)**
OCP amendment to change the Future Land Use from Multiple Family Residential – Medium Density to Commercial
- (ii) Bylaw No. 8757 (Z01-1045) – Rychjohn Investments Ltd. (Carl Scholl Design) – 3163 Richter Street
To rezone a portion of the property from RM5 – Medium Density Multiple Housing to C5 – Transition Commercial to accommodate parking for the “Creekside” professional building.
- 4.2 (a) Planning & Corporate Services Department, dated September 22, 2004 re: Rezoning Application No. Z95-1015 – Canyon Creek Joint Venture (Grant Maddock/Protech Consultants Ltd.) – 5050 McCulloch Road
To rescind readings given Bylaw No. 8517 (Z95-1015) and close the file as the applicant has submitted a new application.

(b) **BYLAW PRESENTED TO RESCIND READINGS & CLOSE THE FILE**

Bylaw No. 8517 (Z95-1015) – Canyon Creek Joint Venture (John Steil/Stantec Consulting Group Ltd.) – 5050 McCulloch Road
To rezone a portion of the property from A1 – Agriculture 1 to RR1 – Rural Residential 1, RR2 – Rural Residential 2 and P3 – Parks & Open Space to accommodate a 59 lot rural residential subdivision with associated open space.

- 4.3 (a) Planning & Corporate Services Department, dated September 22, 2004 re: Rezoning Application No. Z04-0020 – 417860 Alberta Ltd., et al (Grant Maddock/Protech Consultants Ltd.) – 5050 McCulloch Road (B/L 9313)
*To consider a staff recommendation to **not** advance an application to rezone the subject property from A1 – Agriculture 1 to P3 – Parks & Open Space, RR1 – Rural Residential 1 and RR2 – Rural Residential 2 in order to facilitate a 110 lot bareland strata subdivision that would be serviced by a private sanitary sewer collection system.*

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

Bylaw No. 9313 (Z04-0020) - 417860 Alberta Ltd., et al (Grant Maddock/Protech Consultants Ltd.) – 5050 McCulloch Road
To rezone the subject property from A1 – Agriculture 1 to P3 – Parks & Open Space, RR1 – Rural Residential 1 and RR2 – Rural Residential 2.

4.4 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9252 (Z04-0016) – Gary Grant & Joyce Decock (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.

- (b) Planning & Corporate Services Department, dated September 28, 2004 re: Development Permit Application No. DP04-0033 – RSSD Ventures Ltd. and LOF Holdings Ltd. (Emeral Developments Inc., and RSSD Ventures) – 1007 Harvey Avenue
To approve the form and character of 47 units of apartment housing proposed for development on the site.

- 4.5 Planning & Corporate Services Department, dated September 28, 2004 re: Agricultural Land Reserve Appeal No. A04-0010 – Amberwood Investments Ltd. (George Lensen) – 4210 Swamp Road
*To consider a staff recommendation to **not** support an appeal to subdivide the subject property into two parcels.*

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

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 9282 (Z04-0042) – Jim Gretzinger (Serko Property Service) – 1703 Lynrick Road
To rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and the RU6 – Two Dwelling Housing zone in order to facilitate a 3 lot single and two unit residential subdivision.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Civic Properties Manager, dated September 17, 2004 re: “Old Surtees Property” Request for Proposals/Expressions of Interest (0890-20)
Authorization to issue an RFP/EOI for proposals for development of the former “Surtees” property at 4629 Lakeshore Road with uses compatible with the future park use of the property.
- 6.2 Development Manager, dated September 28, 2004 re: Latecomer Charges – No. 21 Great Projects Ltd. – East of South Ridge Drive (2250-70-68)
For approval to enter into the latecomer agreement.
- 6.3 Development Manager, dated September 28, 2004 re: Latecomer Charges – Markui Contracting Ltd./John & Sarina Weisbeck – Highway 33 (2250-70-71)
For approval to enter into the latecomer agreement.
- 6.4 Director of Financial Services, dated September 29, 2004 re: Utility Billing Penalty (1820-20)
To reduce the late payment penalty charged on City of Kelowna utility bills from the current 10% to 3.75%.
- 6.5 Assistant Airport General Manager, dated September 28, 2004 re: Air Terminal Building Space Sub-Lease and Airport Use Agreement for Regional 1 Airlines Ltd. (2380-20-8127)
To authorize the Mayor and Clerk to sign the necessary agreements to allow Regional 1 Airlines to operate at the Kelowna International Airport.
- 6.6 Airport General Manager, dated September 29, 2004 re: Economy Parking Lot Expansion – Phase 2 – Kelowna International Airport (6640-20; 0550-05)
To increase the unit price construction contract with Hayter Construction Ltd. in the amount of \$136,500 to include Phase 2 of the parking lot expansion in the current fiscal year.
- 6.7 Recreation Manager, dated September 28, 2004 re: BC Games Bid Preparation (8100-20)
Authorization for staff to initiate a bid proposal for the BC Games in 2008 or 2010.
- 6.8 Fire Chief, dated September 28, 2004 re: 1250 GPM 4 x 4 Pumper Fire Truck (1715-01)
To approve the purchase of a pumper fire truck from Profire Emergency Equipment – Abbotsford (to be built by Superior Emergency Vehicles, Red Deer) for the price of \$510,953 including taxes.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 9311 – Amendment No. 17 to Solid Waste Management Bylaw No. 7173
To amend Schedule “B” of the bylaw to have new accounts triggered at the “request for final inspection” stage of development rather than at “occupancy” for the City Solid Waste Utility, and to ban “mixed waste paper” from the landfill.

(BYLAWS PRESENTED FOR ADOPTION) – Cont'd

7.2 Bylaw No. 9312 – Amendment No. 11 to Fire Prevention Regulations Bylaw No. 6110-88

To amend section 6.1(b) to add a sentence authorizing the Chief to issue a special permit to allow burning of woody debris for the process of fuel reduction or hazard abatement on private or public property, and to change the dates for the burning period in section 6.1(i) from October 15-April 15 to September 1-April 30.

8. COUNCILLOR ITEMS

9. TERMINATION