

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

MONDAY, MARCH 21, 2005

1:30 P.M.

1. **CALL TO ORDER**
2. Councillor Horning to check the minutes of the meeting.
3. **PUBLIC IN ATTENDANCE**
 - 3.1 Presentation of Cheque by Maria Bylands, Bylands Nursery re: Kelowna Tree ReLeaf Program
 - 3.2 Presentation by Colleen Roberts, Project Manager, City of Calgary re: "The Bridges" Commercial/Retail/Residential Development
 - 3.3 Presentation by Social Planning & Housing Committee re: Housing Policy Recommendations (see item No. 7.1 under Reports Other than Zoning & Development)
4. **UNFINISHED BUSINESS**
 - 4.1 Director of Planning & Corporate Services, dated March 17, 2005 re: Heritage Alteration Permit Application No. HAP05-0003 – 474 Cadder Avenue
*To consider a staff recommendation to **not** designate the property as a Municipal Heritage Site.*
 - 4.2 Fire Chief, dated March 17, 2005 re: Open Burning (7370-01)
To receive an information report outlining the options to open burning.
5. **DEVELOPMENT APPLICATIONS**
 - 5.1 Planning & Corporate Services Department, dated February 4, 2005 re: Rezoning Application No. Z04-0003 – 684761 BC Ltd. (Murray Noble/D.E. Pilling & Associates Ltd.) – 5127 Chute Lake Road (B/L 9191)
To approve a 6-month extension of the deadline for adoption of Zone Amending Bylaw No. 9191 to September 23, 2005
 - 5.2 Rezoning Application No. Z04-0073 – Bell Mountain Estates – Swainson Road (BL9386)
To rezone part of the property from A1 – Agriculture 1 to RU4 – Low Density Cluster Housing to facilitate development of the site with 41 cluster housing units.
 - (a) Planning & Corporate Services report dated March 8, 2005

BYLAW PRESENTED FOR FIRST READING

 - (b) Bylaw No. 9386 (Z04-0073) – Bell Mountain Estates – Swainson Road

5. DEVELOPMENT APPLICATIONS – Cont'd5.3 Rezoning Application No. Z04-0074 – Bell Mountain Estates (City of Kelowna) – 2030 Highway 33 East (BL9387)

To rezone a portion of the property from RR3 – Rural Residential 3 to RU1 – Large Lot Housing, P3- Parks & Open Space, and P4 – Utilities to facilitate a 46-lot single family subdivision, public park site, and a storm detention pond.

(a) Planning & Corporate Services report dated March 8, 2005

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9387 (Z04-0074) – Bell Mountain Estates (City of Kelowna) – 2030 Highway 33 East

5.4 Rezoning Application No. Z04-0083 – John & Sarina Weisbeck (David Pauls/D.E. Pilling & Associates Ltd.) – 1494 Feedham Avenue (BL9385)

To rezone the property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a 15-lot single family residential subdivision.

(a) Planning & Corporate Services report dated March 14, 2005

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw 9385 (Z04-0083) - John & Sarina Weisbeck (David Pauls/D.E. Pilling & Associates Ltd.) – 1494 Feedham Avenue

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

(i) Bylaw No. 9344 (OCP04-0013) – School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North **Requires majority vote of Council (5)**

Changes the future land use designation in the OCP from Education & Minor Institutional to Low and Medium Density Multiple Dwelling.

(ii) Bylaw No. 9346 (HRA04-0003) - School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North

Facilitates subdivision of the site by allowing for variances to the side and rear yard setbacks to the old brick Rutland Elementary School building and provides for rehabilitation and re-use of the building for residential purposes.

(iii) Bylaw No. 9345 (Z04-0053) - School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North

Rezones the property from P2 – Education & Minor Institutional to RM3 and RM5 – Low and Medium Density Multiple Housing to facilitate redevelopment of the former Rutland Elementary School site.

(b) Planning & Corporate Services Department, dated March 14, 2005 re: Development Permit Application No. DP04-0125 – School District No. 23 (Protech Consultants Ltd.) – 780 Rutland Road North

To allow for development of the site with 16 units of row housing and 128 units of apartment housing within 9 buildings.

- 5.6 Land Use Contract Application No. LUC05-0001 and Rezoning Application No. Z05-0002 – Maria Van Montfoort, William & Iris Montgomery, Larry & Caroline Burnett, James & Linda Russell, Sean Pegg & Dianne Watson-Pegg, and Jesse & Andrea Dykstra (Lloyd Nestman/LPN Consulting Ltd.) – 653, 657, 661, 665, 669 & 673 Drummond Court (BL
To discharge the Land Use Contract and rezone the properties from RR3 – Rural Residential 3 to RU1 – Large Lot Housing to facilitate a 15 lot single family residential subdivision.
- (a) Planning & Corporate Services report dated March 14, 2005
- (b) **BYLAWS PRESENTED FOR FIRST READING**
- (i) Bylaw No. 9388 (LUC05-0001) – Signal Properties Ltd. – 653, 657, 661, 665, 669 & 673 Drummond Court
Discharges a part of LUC76-1041 (Bylaw 4661-78)
- (ii) Bylaw No. 9389 (Z05-0002) – Van Montfoort, et al – 653, 657, 661, 665, 669 & 673 Drummond Court
Rezones the properties from RR3 – Rural Residential 3 to RU1 – Large Lot Housing to facilitate a 15 lot single family residential subdivision.
- 5.7 Planning & Development Services Department, dated March 16, 2005 re: Rezoning Application No. Z04-0088; OCP Amendment Application No. OCP04-0025 and Zoning Bylaw Text Amendment Application No. TA04-0013 – Al Stober Construction Ltd. – 1607 Sutherland Avenue and 1610 & 1620-1632 Dickson Avenue
*To consider a staff recommendation to **deny** the subject applications which would facilitate development of the property with a 6-storey building as Phase 3 of the existing High Tech Business Campus.*

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

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 6.1 Bylaw No. 9375 (Z05-0006) - McIntosh Properties Ltd. – 2120 & 2130 Leckie Place ***(The requirement for a Public Hearing was waived for this application)***
Rezones properties from I3 – Industrial to I1 – Business Industrial in order to accommodate an office type use.

(BYLAW PRESENTED FOR ADOPTION)

- 6.2 Bylaw No. 9365 (Z04-0062) - 694230 B.C. Ltd. (Harold Schneider/Mill Creek Developments Ltd.) – 3301 Appaloosa Road
Rezones part of the property from A1 – Agriculture 1 to I2 – General Industrial to accommodate development of the site as an industrial park with eight warehouse buildings.

7. **NON-DEVELOPMENT APPLICATION REPORTS**

- 7.1 Housing Policy Recommendations (5040-20)
(a) Presentation by Social Planning & Housing Committee
(b) Report from Community Planning Manager dated March 15, 2005

7. NON-DEVELOPMENT APPLICATION REPORTS – Cont'd

- 7.2 Planning & Corporate Services Department, dated March 16, 2005 re: Revision to Shorezone Plan (6740-20)
Authorization to proceed with a Request for Proposal for a consultant to prepare a revised Shorezone Plan and to endorse the environmental principles that will form the basis for the plan review.
- 7.3 City Manager, dated March 15, 2005 re: Volume 2 – 2005 Financial Plan (1700-20)
To increase the 2005 Financial Plan by \$2,532,895 to provide for operating carry-over projects and by \$50,549,450 for capital carry-over projects.
- 7.4 Investments and Payroll Manager, dated March 14, 2005 re: Investment of City of Kelowna Surplus Funds for 2004 (1860-01)
To receive the 2004 Compliance and Benchmark Report for City Investments.
- 7.5 Director of Financial Services, dated March 17, 2005 re: Cenotaph Financial Aid Request – Kelowna-Veendam Sister City Association (0450-30)
To allocate \$100,000 to assist with for Phase 1 of the project to refurbish and improve the cenotaph in City Park.
- 7.6 Assistant Airport General Manager, dated March 7, 2005 re: 2005/2010 Vehicle Concession Tender – Kelowna International Airport (BL9384; 0550-05; 1220-20)
To approve an increase in the vehicle concession fee for the four on-site vehicle rental companies at the airport, approve capping the recovery fee that the vehicle rental companies charge their customers, and to advance the necessary bylaw for reading consideration by Council.
- 7.7 Transportation Manager, dated March 10, 2005 re: McCulloch Road Slope Stability (5210-07)
To authorize the restoration of the McCulloch Road slope 250 m north of the KLO Creek bridge.
- 7.8 Environment & Solid Waste Manager, dated March 15, 2005 re: Simplified Riparian Areas Regulation (RAR) Process (0135-20)
To endorse a simplified RAR process.
- 7.9 Acting City Clerk, dated March 15, 2005 re: Amendment to Sign Bylaw No. 8235 – Size of Election Signs (BL9391; 4200-01)
To increase the maximum permitted sign area for election signs from 1.0 m² to 1.50 m² and advance the necessary amending bylaw for reading consideration by Council.
- ADDITION 7.10 Civic Properties Manager, dated March 21, 2005 re: Rotary Marsh Bridge Repairs (0760-20)
To approve the necessary funds to repair the Rotary Marsh Bridge.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)(BYLAWS PRESENTED FOR FIRST THREE READINGS)

Note: Agenda Items No. 8.1 to 8.3 inclusive) **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. 9382 – Road Closure Bylaw – Badke Road
To permanently close and remove the highway dedication from a portion of Badke Road at 250 Franklyn Road.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT) – Cont'd

(BYLAWS PRESENTED FOR FIRST THREE READINGS) – Cont'd

- 8.2 Bylaw No. 9384 – Amendment No. 9 to Airport Fees Bylaw No. 7982
Increases the vehicle concession fee for the four on-site vehicle rental companies at the airport and caps the recovery fee that the vehicle rental companies charge their customers.
- 8.3 Bylaw No. 9391 – Amendment No. 12 to Sign Bylaw No. 8235
Increases the maximum permitted sign area for election signs from 1.0 m² to 1.50 m².

(BYLAWS PRESENTED FOR ADOPTION)

- 8.4 Bylaw No. 9370 – Amendment No. 11 to Sign Bylaw No. 8235
Increases the maximum height for free standing signs in Public and Institutional zones from 2.5 m to 4.0 m.
- 8.5 Bylaw No. 9380 – Amendment No. 5 to Kelowna Noise and Disturbances Control Bylaw No. 6647
To change the start time for making noise to 5:30 a.m. to facilitate preloading of the east approach to Okanagan Lake Bridge.
- 8.6 Bylaw No. 9383 – Wilkinson Street Local Area Service Construction Bylaw (File 654) (5230-20)
Authorization to proceed with local area service improvements for the east side of Wilkinson Street, from Springfield Road to McBride Road.
9. COUNCILLOR ITEMS
10. TERMINATION