

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

MONDAY, MAY 30, 2005

1:30 P.M.

1. CALL TO ORDER

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

3. PUBLIC IN ATTENDANCE

3.1 Council Indemnity Review Committee re: Council Indemnity Review Committee Recommendations (0540-30) (see report dated May 16, 2005)

3.2 Kelowna International Regatta – Request for Additional Funding for 2005 (0230-20)

(a) Presentation by Regatta Association

(b) Report from Director of Parks & Leisure Services dated May 20, 2005

4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. Z04-0059 – Sun Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5030 Frost Road (BL9434)
To rezone the property from A1 – Agriculture 1 to RU1 – Large Lot Housing and P3 – Parks & Open Space to facilitate a 17-lot single family residential subdivision.

(a) Planning & Corporate Services report dated May 19, 2005.

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9434 (Z04-0059) - Sun Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5030 Frost Road
Rezones the property from A1 – Agriculture 1 to RU1 – Large Lot Housing and P3 – Parks & Open Space to facilitate a 17-lot single family residential subdivision.

4.2 Rezoning Application No. Z05-0016 and OCP05-0004 – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive (BL9432 & BL9433)
To amend the future land use designation in the OCP to allow the property to be rezoned and subdivided to create 15 single family residential lots.

(a) Planning & Corporate Services report dated May 20, 2005.

BYLAWS PRESENTED FOR FIRST READING

(b) Bylaw No. 9432 (OCP05-0004) – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive **Requires majority vote of Council (5)**
Amends the future land use designation in the OCP from Educational/Major Institutional to Single/Two Unit Residential and Major Park/Open Space.

Mayor to request procedural statement from the Planning Dept. following Council's reading of the above bylaw.

4. DEVELOPMENT APPLICATIONS – Cont'd

- 4.2 (c) Bylaw No. 9433 (Z05-0016) – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive
Rezones the property from P2 – Education & Minor Institutional to RU2 – Medium Lot Housing and P3 – Park and Open Space to facilitate a 15-lot single family residential subdivision.

- WITHDRAWN 4.3 Rezoning Application No. Z04-0075 and OCP04-0018 – Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road; 2053 & 2061 Garner Road and 1625 Verdure Road (BL9429; BL9430)
To adjust the boundaries of the future land uses in the OCP to reflect the proposed zoning designations for future development of the remaining Kirschner Mountain Estates Area Structure Plan area; and to rezone the lands for development with a mixture of single dwelling and multi-family lots with parks & open space components and an associated utility lot.

- (a) Planning & Corporate Services report dated May 19, 2005.

BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9429 (OCP04-0018) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road; 2053 & 2061 Garner Road and 1625 Verdure Road **Requires majority vote of Council (5)**
Adjusts the boundaries of the future land uses in the OCP to reflect the proposed zoning designations for future development of the remaining Kirschner Mountain Estates Area Structure Plan area.

Mayor to request procedural statement from the Planning Dept. following Council's reading of the above bylaw.

- (c) Bylaw No. 9430 (Z04-0075) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road; 2053 & 2061 Garner Road and 1625 Verdure Road
Rezones the lands from A1 – Agriculture 1 to P3 – Parks & Open Space, P4 – Utilities, RU1h – Large Lot Housing (Hillside Area) and RM3h – Low Density Multiple Housing (Hillside Area) to facilitate development with a mixture of single dwelling and multi-family lots with parks & open space components and an associated utility lot.

- 4.4 Rezoning Application No. Z05-0028 – Denver Carrington Developments Inc. (Colin Darrow) - 538-540 Leon Avenue (BL9435)
To rezone the property from C7 – Central Business Commercial to C7lp – Central Business Commercial – Liquor Primary to accommodate a proposed pub in the main floor of the building.

- (a) Planning & Corporate Services report dated May 4, 2005.

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9435 (Z05-0028) - Denver Carrington Developments Inc. (Colin Darrow) - 538-540 Leon Avenue
Rezones the property from C7 – Central Business Commercial to C7lp – Central Business Commercial – Liquor Primary to accommodate a proposed pub in the main floor of the building.

4. DEVELOPMENT APPLICATIONS – Cont'd

- 4.5 Rezoning Application No. Z05-0011 – Astrid Kneipp; John Marshall; Michael Marshall; D.M.J. Construction Ltd.; and 0706682 BC Ltd. (Garry Tomporowski Architects) – 1004, 1012, 1026 Bernard Avenue and 1495 Graham Street (BL9428)

To rezone the property from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing to facilitate development of the site with a 4-storey, 43-unit apartment building.

- (a) Planning & Corporate Services report dated May 20, 2005.

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9428 (Z05-0011) - Astrid Kneipp; John Marshall; Michael Marshall; D.M.J. Construction Ltd.; and 0706682 BC Ltd. (Garry Tomporowski Architects) – 1004, 1012, 1026 Bernard Avenue and 1495 Graham Street

Rezones the property from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing to facilitate development of the site with a 4-storey, 43-unit apartment building.

- 4.6 Planning & Corporate Services Department, dated May 13, 2005 re: Rezoning Application No. Z05-0008 and OCP05-0002 – Pasadena Estates Ltd./Gary Dober (Canwest Design Group/John Schlosser) – 4427, 4431 & 4433 Gordon Drive

*To consider a staff recommendation to **not** amend the future land use designation in the OCP and to **not** allow the property to be rezoned from RU1 – Large Lot Housing to RM3 – Medium Density Multiple Housing to facilitate development of the site with 55 units of stacked rowhousing.*

- 4.7 Text Amendment No. TA05-0006 - City of Kelowna – Amendment to Zoning Bylaw No. 8000 (BL9431)

Amendments to not allow bedrooms and full bathrooms in accessory buildings unless they are part of a legal secondary suite; to remove the requirement for covered parking for secondary suites in 1-storey accessory buildings; and to amend the definition of landscaping to clarify that pergolas/lattices will not be considered as structures.

- (a) Planning & Corporate Services report dated May 24, 2005.

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9431 (TA05-0006) – City of Kelowna – Amendments to Zoning Bylaw No. 8000

Clarifies the definition of landscaping; exempts single storey accessory buildings with secondary suites from the requirement to provide an attached garage or carport; adds a new Section 6.5.11 to not allow bedrooms and full bathrooms in accessory buildings unless they are part of a legal secondary suite.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Corporate Services Department, dated May 18, 2005 re: Appointment of Community Heritage Commission Member (6800-02)

To appoint Brian Anderson as a City-at-Large member for the balance of the term ending December 2005.

5. NON-DEVELOPMENT APPLICATION REPORTS – Cont'd

- 5.2 Airport General Manager, dated May 16, 2005 re: Garda of Canada Air Terminal Building Space Sub-Lease – Kelowna International Airport (2380-20-8131)
Approval to sub-lease approx. 46 sq m of air terminal building space to Garda of Canada.
- 5.3 Director of Works & Utilities, dated May 24, 2005 re: Roads Task Force Recommendations Implementation (0540-20)
To approve interim funding for the works required to provide for the necessary traffic capacity to meet Okanagan Lake Bridge requirements to year 2020, and to advance the amending bylaw (No. 9376) to incorporate the Roads Task Force's Option 19 solution into the OCP to the June 28th Public Hearing.
- 5.4 Parks Manager, dated May 24, 2005 re: Fuel Management on Steep or Inaccessible City Properties (6300-09)
To retender logging on steep or inaccessible areas for the fall of 2005 in hope of attracting more bidders.
- 5.5 Acting City Clerk, dated May 16, 2005 re: Council Policy Manual Review (0550-06)
To approve updates to the Policy Manual as a result of regular reviews to keep the manual current.
- 5.6 Draft Resolution re: Start Time – June 28, 2005 Public Hearing/Regular Meeting (0550-01)
To change the start from on Tuesday, June 28th 7:00 p.m. to 5:00 p.m.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- WITHDRAWN 6.1 Bylaw No. 9397 – Road Closure Bylaw – Union Road **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward**
Closes a portion of highway on Union Road.

(BYLAWS PRESENTED TO RESCIND ADOPTION, HEAR FROM THE PUBLIC, AND RE-CONSIDER FOR ADOPTION)

- ADDITION 6.2 Bylaw No. 9209 – Road Closure Bylaw – 2285 Rhondda Court **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward**
To close a portion of unconstructed lane adjacent to 2285 Rhondda Court.
- ADDITION 6.3 Bylaw No. 9352 – Road Closure Bylaw – 570 Sarsons Road **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward**
To close a portion of road adjacent to 570 Sarsons Road.

7. COUNCILLOR ITEMS

8. TERMINATION