

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

MONDAY, JULY 11, 2005

1:30 P.M.

1. CALL TO ORDER

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

3. DEVELOPMENT APPLICATIONS

3.1 Planning & Corporate Services Department dated June 14, 2005 re: [Development Permit Application No. DP05-0091 – The Woodfield Development Corporation \(New Town Planning Inc./Patrick McCusker\) – 1329 Ellis Street](#)
To amend the original development permit to allow one of the two levels of under-building parking for the proposed 11 storey building to be above grade.

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

[Bylaw No. 9163 \(Z03-0061\) – Jabs Development Ltd. – 1937-1939 Harvey Avenue](#)

To extend the deadline for adopting the zone amending bylaw and to adopt the bylaw to rezone the property from C10 – Service Commercial to C3 – Community Commercial to facilitate development of a 1-storey commercial building proposed for retail use.

(b) Planning & Corporate Services Department, dated July 6, 2005 re: [Development Permit Application No. DP03-0145 – Jabs Development Ltd. – 1937-1939 Harvey Avenue \(BL9163\)](#)

To approve the form and character of a new commercial building proposed for construction on the site.

3.3 [Rezoning Application No. Z05-0019 – 564913 BC Ltd. \(Hans Neumann\) – 1347 Ellis Street \(BL9460\)](#)

To rezone the property from I4 – Central Industrial to C7 – Central Business Commercial to allow for a lot line adjustment to move the south property line 4.5 m to the north to accommodate façade improvements proposed to the north building elevation of the commercial building on the lot to the south; and to waive the requirement for a Public Hearing.

(a) Planning & Corporate Services report dated June 29, 2005.

BYLAW PRESENTED FOR FIRST READING

(b) [Bylaw No. 9460 \(Z05-0019\) – 564913 BC Ltd. \(Hans Neumann\) – 1347 Ellis Street](#)

Rezones the southerly portion of Lot 1 to Commercial so that it can be incorporated into the adjacent Lot 2 via a lot line adjustment to accommodate façade improvements proposed for the north building elevation of the commercial building on that lot.

3. DEVELOPMENT APPLICATIONS – Cont'd

3.4 [Rezoning Application No. Z05-0025 – Tarcisio & Angelina Niccoli \(Hans Neumann\) – 3920 Bluebird Road \(BL9457\)](#)

To rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to accommodate a suite above a proposed two-car garage.

(a) Planning & Corporate Services report dated June 30, 2005.

BYLAW PRESENTED FOR FIRST READING

(b) [Bylaw No. 9457 \(Z05-0025\) - Tarcisio & Angelina Niccoli \(Hans Neumann\) – 3920 Bluebird Road](#)

Rezones the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to accommodate a suite above a proposed two-car garage.

3.5 [Rezoning Application No. Z05-0007 – Kevin & Pamela Purnell – 4110 Tatlow Road \(BL9404\)](#)

To rescind 2nd & 3rd readings of the zone amending bylaw and advance the application to a new Public Hearing in order to consider new information concerning water supply.

(a) Planning & Corporate Services report dated July 5, 2005.

BYLAW PRESENTED TO RESCIND 2ND & 3RD READINGS

(b) [Bylaw No. 9404 \(Z05-0007\) – Kevin & Pamela Purnell – 4110 Tatlow Road](#)

To rezone the property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite to accommodate a suite within a proposed accessory building.

3.6 [Rezoning Application No. Z05-0032 – Phillip & Gerti Bachmann – 3753 East Kelowna Road \(BL9462\)](#)

To rezone the property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite so that existing artist studio space can be converted into a suite.

(a) Planning & Corporate Services report dated June 30, 2005.

BYLAW PRESENTED FOR FIRST READING

(b) [Bylaw No. 9462 \(Z05-0032\) - Phillip & Gerti Bachmann – 3753 East Kelowna Road](#)

Rezones the property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite to facilitate converting existing artist studio space into a suite.

3. DEVELOPMENT APPLICATIONS – Cont'd3.7 [Rezoning Application No. Z05-0017 – Kee Sing & Mei Low \(Protech Consultants\) – 1277 Houghton Road \(BL9464\)](#)

To rezone a portion of the property from RU1s – Large Lot Housing with Secondary Suite to RU6 – Two Dwelling Housing to allow for the creation of one RU1s zoned lot and one RU6 zoned lot.

- (a) Planning & Corporate Services report dated June 30, 2005.

BYLAW PRESENTED FOR FIRST READING(b) [Bylaw No. 9464 \(Z05-0017\) - Kee Sing & Mei Low \(Protech Consultants\) – 1277 Houghton Road](#)

Rezones a portion of the property from RU1s – Large Lot Housing with Secondary Suite to RU6 – Two Dwelling Housing to allow for the creation of one RU1s zoned lot and one RU6 zoned lot.

3.8 [Area Structure Plan No. ASP04-0001; Official Community Plan Amendment No. OCP03-0002; Zoning Bylaw Amendment No. TA05-0007; and Rezoning Application No. Z03-0009 – 622664 BC Ltd., et al \(Bob Evans and Grant Gaucher\) – 1890 McKinley Road, end of Slater Road & West of Slater Road, 4001 & 3650 Finch Road, and Part of 2702 & 3650 Glenmore Road North \(BL9466, BL9467; BL9468\)](#)

To endorse the Vintage Landing Area Structure Plan (ASP), incorporate the future land use designations identified in the ASP within the Official Community Plan, create a new CD18 Zone and add the zone to the Zoning Bylaw, and rezone the subject properties to accommodate a proposed resort development.

- (a) Planning & Corporate Services report dated June 30, 2005.

BYLAWS PRESENTED FOR FIRST READING(b) [Bylaw No. 9466 \(OCP03-0002\) – Vintage Landing Area Structure Plan Requires majority vote of Council \(5\)](#)

To apply the future land use designations identified in Area Structure Plan No. 5 (McKinley) to the Official Community Plan.

(c) [Bylaw No. 9467 \(TA05-0007\) – CD18 – Vintage Landing Comprehensive Resort Development Zone](#)

Creates a new CD18 zone to accommodate the proposed Vintage Landing resort development.

(d) [Bylaw No. 9468 \(Z03-0009\) - 622664 BC Ltd., et al \(Bob Evans and Grant Gaucher\) – 1890 McKinley Road, end of Slater Road & West of Slater Road, 4001 & 3650 Finch Road, and Part of 2702 & 3650 Glenmore Road North](#)

Rezones the properties from A1 – Agriculture 1 to CD18 – Vintage Landing Comprehensive Resort Development, P3 – Parks and Open Space; and W2 – Intensive Water Use to facilitate development of the site with a comprehensive project comprised of commercial resort accommodation, resort & wellness village, golf course, vineyard and cottage winery, and a retreat & leadership centre.

4. BYLAWS (ZONING & DEVELOPMENT)(BYLAW PRESENTED FOR ADOPTION)

- 4.1 [Bylaw No. 9214 \(Z03-0033\) – John, Patricia, Walter and Henk Verwoerd; Romesha Ventures Inc., and John & Sarina Weisbeck \(David Pauls/D.E. Pilling & Associates Ltd.\) – 1374, 1494 Highway 33 East and 1177 Oswell Drive](#)
To rezone the properties from A1 – Agriculture 1, RR3 – Rural Residential 3 and RU1 – Large Lot Housing to RU1h – Large Lot Housing (Hillside Area) in order to facilitate subdivision to create about 65 single family residential lots.
- 4.2 [Bylaw No. 9302 \(Z04-0050\) – Caroline Kaltenhauser – 3473 Moberly Road](#)
To rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to allow for the construction of an accessory building with a suite.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Inspection Services Manager, dated July 4, 2005 re: [ST05-08 - Application for Stratification of Four Unit Row Housing at 335-341 Primrose Road](#) **Mayor to invite anyone in the public gallery who deems themselves affected to come forward**
Approval to stratify the 4-unit row housing in the name of L & M Marketing Ltd.
- 5.2 Director of Financial Services, dated July 5, 2005 re: [Federal Gas Tax Transfer \(0230-20\)](#)
To receive the report and direct staff to provide Council with a strategy for application and expenditures of the gas tax allocations within two months of execution of a final agreement with the Federal & Provincial Governments and the UBCM.
- 5.3 Director of Financial Services, dated July 5, 2005 re: [Terasen Gas Inc. Legacy Opportunity – 2004 Additions \(2250-20\)](#)
Authorization to exercise the City's option to lease the 2004 natural gas distribution system capital additions within the City boundaries under the same basic terms and conditions as the original lease with BC Gas., and to set 4:00 p.m. on Monday, August 22, 2005 as the deadline for receipt of Counter Petitions in relation to the 2004 additions.
- 5.4 Director of Works & Utilities; Director of Financial Services; Director of Parks & Leisure Services, dated July 6, 2005 re: [20-Year Servicing Plan and Financing Strategy \(6430-01\)](#)
Authorization for staff to seek stakeholder input to proposed new DCC rates.
- 5.5 Transportation Manager, dated July 6, 2005 re: [Extension of Abbott Street Recreation Corridor \(5400-20\)](#)
To direct staff to bring forward any procedural or bylaw amendments necessary to allow implementation of Phase Three of the Abbott Street Recreation Corridor as adjacent properties develop.
- 5.6 Sports and Facilities Manager, dated July 5, 2005 re: [Sport Tourism and Development \(7710-01\)](#)
To receive a report outlining strategies and work plans to further position Kelowna as a preferred sports destination.

5. NON-DEVELOPMENT APPLICATION REPORTS – Cont'd

- 5.7 Parks Manager, dated June 27, 2005 re: [Community Park at Old KSS Site \(6120-20\)](#)

To approve the conceptual configuration re size, location and boundaries for a community park at the former KSS site and direct staff to prepare a master plan for the park.

- 5.8 Parks Manager, dated July 5, 2005 re: [Bellevue Creek Elementary School Adventure Playground \(6200-00\)](#)

Authorization for the City to enter into a lease of the school playground from School District 23.

- 5.9 Future Legacy Aquatic Centre (6240-20)

To receive the results of the Alternative Approval Process, advance the Loan Authorization Bylaw for adoption, and authorize staff to invite design/build proposals from four short-listed proponents.

- (a) [City Clerk Department report dated July 6, 2005 \(6240-20\)](#)

To receive the Certificate of Sufficiency certifying that sufficient elector responses HAVE NOT been received against the proposed Legacy Aquatic Centre Loan Authorization Bylaw and advance the bylaw for adoption consideration.

(BYLAW PRESENTED FOR ADOPTION)

- (b) [Bylaw No. 9359 – Legacy Aquatic Centre Construction Loan Authorization Bylaw](#)

Authorizes the borrowing of \$20 Million for construction of a 50 m swimming pool and leisure waterpark facility.

ADDITION

- (c) Legacy Aquatic Centre – Design/Build Selection Committee, dated July 4, 2005 re: [Legacy Aquatic Centre – Qualified Design/Build Teams and RFP Schedule \(6240-20\)](#)

Approves the proponents of four proposals as pre-qualified to submit a design/build proposal for the aquatic centre, and to receive the schedule outline for the design/build Request for Proposals.

- 5.10 Deputy City Clerk, dated June 22, 2005 re: [Amendments to the Parks and Public Spaces Bylaw and the City of Kelowna Ticket Information Utilization Bylaw \(BL9453 & BL9454\)](#)

To provide City Bylaw Enforcement Officers and the RCMP with additional tools to ensure that the City's parks and public spaces are safe for the use and enjoyment of the general public and to impose fines for the offences being added to the bylaw.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

*Note: Agenda Items No. 6.1 to 6.8 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.*

- 6.1 [Bylaw No. 9395 – Road Closure Bylaw – Lane off Swordy Road](#)

To remove the highway dedication from a lane off Swordy Road.

- 6.2 [Bylaw No. 9427 – Road Closure Bylaw – Lane Between Bernard Avenue and Lawson Avenue](#)
To remove the highway dedication from a portion of lane between Bernard and Lawson.
- 6.3 [Bylaw No. 9446 – Amendment No. 5 to Traffic Bylaw No. 8120](#)
To incorporate changes to Section 7.1 Sidewalk/Roadway Occupancy Permits.

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

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

- 6.4 [Bylaw No. 9452 – Road Closure Bylaw – 2530 Enterprise Way](#)
To remove the highway dedication from a portion of the property.
- 6.5 [Bylaw No. 9453 – Amendment No. 9 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91](#)
Amends the bylaw to provide City bylaw enforcement staff and the RCMP with additional tools to ensure that the City's parks and public spaces are safe for the use and enjoyment of the general public.
- 6.6 [Bylaw No. 9454 – Amendment No. 64 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89](#)
Imposes fines for the possession of drug paraphernalia in a park or public space, refusing to leave a park or public space and urinating/defecating in public spaces; and for impeding of other persons in parks and public spaces.
- 6.7 [Bylaw No. 9465 – Amendment No. 11 to City of Kelowna Electricity Regulation Bylaw No. 7639](#)
To set new rates effective with the first billing cycle in September 2005.
- 6.8 [Bylaw No. 9469 – Road Closure – 4540 Walker Road](#)
To remove the highway dedication from a portion of Walker Road.

7. COUNCILLOR ITEMS

8. TERMINATION