

Regular MeetingAugust 13, 2002

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, August 13, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day*, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Development Engineering Manager, S. Muenz; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 11:00 p.m.

EXTENSION OF MEETING

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R712/02/08/13 THAT the Rules of Procedure governing Kelowna City Council be suspended and the meeting be extended beyond 11:00 p.m.;

AND THAT Section 4.6.4 of Council Bylaw No. 7906 be waived and Council proceed with debate of the Public Hearing bylaws at this meeting.

Carried

Councillor Clark opposed.

ADJOURNMENT

Mayor Gray adjourned the meeting for a short recess at 11:00 p.m.

RECONVENING OF MEETING

The meeting resumed at 11:12 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Cannan.

3. CONFIRMATION OF MINUTES

Regular Meeting, July 29, 2002
Public Hearing, July 30, 2002
Regular Meeting, July 30, 2002

Moved by Councillor Nelson/Seconded by Councillor Given

R713/02/08/13 THAT the Minutes of the Regular Meetings of July 29, 2002 and July 30, 2002 and the Minutes of the Public Hearing of July 30, 2002 be confirmed as circulated.

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4. Councillor Cannan was requested to check the minutes of this meeting.
5. PLANNING BYLAW CONSIDERED AT JULY 30, 2002 PUBLIC HEARING

(BYLAW PRESENTED FOR SECOND & THIRD READINGS)

- 5.1 Bylaw No. 8840 (Z02-1005) – David & Gertrude DeGroot (Robert Edwards) – 3933 Bluebird Road **Motion to read the bylaw a second and third time tabled from the Regular Meeting of Tuesday, July 30, 2002.**

Councillor Day declared a conflict of interest as an owner of property in the neighbourhood and left the Council Chamber at 11:14 p.m.

Staff:

- To address the concerns of the 3 neighbours, the applicant has revised the wording of the covenant to be registered on title to say that the suite would be constructed with an attached wall.
- The 3 neighbours have provided letters saying they are now prepared to support the application.

Council:

- Staff to circulate the covenant to Council prior to adoption consideration of the zone amending bylaw.
- Items that are important in the consideration of applications (i.e. covenants) should as a matter of policy, be circulated to Council prior to the meeting to allow Council time to read and properly think about them before the meeting.

Moved by Councillor Nelson/Seconded by Councillor Given

R714/02/08/13 THAT Bylaw No. 8840 (Z02-1005 – Robert Edwards for David & Gertrude DeGroot – 3933 Bluebird Road) be read a second and third time.

Carried

Councillor Day returned to the Council Chamber at 11:19 p.m. and took his place at the Council Table.

6. PLANNING BYLAW CONSIDERED AT AUGUST 13, 2002 PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 6.1 Bylaw No. 8878 (OCP02-0002) – Sukhbir & Charnjit Sandhu – 1386 & 1388 Highland Drive South **requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Nelson

R715/02/08/13 THAT Bylaw No. 8878 be read a second and third time.

DEFEATED Unanimously

Mayor Gray and Councillors Blanleil, Cannan, Clark, Day, Given, Hobson, Nelson and Shepherd opposed.

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- 6.2 Bylaw No. 8879 (Z02-1004) – Sukhbir & Charnjit Sandhu – 1386 & 1388 Highland Drive South

Moved by Councillor Nelson/Seconded by Councillor Given**R716/02/08/13** THAT Bylaw No. 8879 be read a second and third time.DEFEATED Unanimously

Mayor Gray and Councillors Blanleil, Cannan, Clark, Day, Given, Hobson, Nelson and Shepherd opposed.

- 6.3 Bylaw No. 8883 (Z02-1021) – Glenmore Store Ltd. (Turik McKenzie Architects Inc./Clive McKenzie) – 1014 Glenmore Drive

Staff:

- City Transportation staff are in discussions with the School District toward changing the school zone for Glenmore Elementary from Glenmore Drive to Mountain Avenue.

Council:

- Consensus was to support Option 2 or a version of it. Staff to look at options (hammerhead, cul-de-sac) for ending the rear lane and for preserving the option for future extension of the lane to Mountain Avenue.
- Staff and the applicant to reconsider whether the site could be redesigned to eliminate the need for variances and/or to change the pick-up window for the Perk's drive-thru so that it is internal to the site; failing that to consider how the screening and buffering could be improved with the drive-thru in its current location and report to Council prior to adoption consideration of the bylaw.

Moved by Councillor Day/Seconded by Councillor Cannan**R717/02/08/13** THAT Bylaw No. 8883 be read a second and third time.Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

7. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:

- 7.1 Planning & Development Services Department, dated July 19, 2002 re: Liquor Licencing Application No. LL02-0005 – 622623 BC Ltd. (Keith Wilson/North Forty Enterprises) – 150 Highway 33 West

Staff:

- The applicant is seeking Council support for a Class "C" cabaret liquor licence for a dance hall and saloon proposed in the former Rutland Library building on Highway 33.
- The licence would allow occupancy for approximately 255 people and be for the hours of 7 p.m. to 2:30 a.m.
- Parking requirements can be met on-site.
- There is a neighbourhood pub in Rutland but the closest Class "C" establishment is a significant distance away.
- The RCMP have offered no comment on the subject application but in the past they have indicated they would support a "C" application in an area outside of the Downtown Centre.

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The City Clerk advised that a late petition of opposition had been received bearing 179 signatures.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by this liquor licence application to come forward.

Jamie Bennett, manager of the Zodiac Neighbourhood Pub:

- Read a letter of opposition from the current owners of the Zodiac and submitted it to the City Clerk.
- She has been employed at the Zodiac for over 22 years and 6 months ago it was necessary to hire security guards because of youths causing problems in the neighbourhood. Concerned about the safety of children going to the video and Seven-Eleven stores, if the 14-16 year old youth continue to cause problems.
- There are two neighbourhood pubs in Rutland; the Packinghouse and the Zodiac with several pubs in-between and the nearest cabaret is the OK Corral.
- The subject application would be okay somewhere in Rutland but not in the town centre.

Roderick Gill, Toovey Avenue:

- Moved into the area approximately 7 years ago. At that time the Rutland 4-way corner was a thriving commercial zone. Now the supermarket has been levelled and the library building is covered with graffiti. Welcomes the thought of reviving that corner and thinks the bar would be a stimulus to more economic activity.

Brian Sargeant, owner of Valley Lanes bowling alley:

- Currently has 4 liquor licences in the community. The licences are Class 'A' and 'B' not 'C' class but they also allow for service of alcohol and food and for live entertainment at night.
- Is not going to oppose the subject application because he too is in the process of making some liquor licencing applications.

John Veilvoy:

- Advised he was speaking on behalf of himself not the Rutland Residents Association:
- Concerned about how the proposed application could impact future development on that corner.

Al Horning:

- Would like to know who started the petition of opposition and who signed it because in all his travels in Rutland in the last couple of weeks he has heard nothing negative about this application.
- The applicant started up the OK Corral and it has been a asset to the community.
- The proposed facility would be for the older crowd.

Keith Wilson, applicant:

- If the subject application is approved, it would be the first Class 'C' licence approved in 11 years in the City.
- The dance floor would be large compared to what is in pubs.
- The building would be given a major facelift and landscaping would be totally overhauled.
- Formerly was owner of the OK Corral and the Pier Marine Pub.
- Looking for Council's support as well as the support of the citizens and businesses of Rutland.

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R718/02/08/13 THAT Council support the licencing of a Class "C" liquor licence proposed by North Forty Enterprises (Keith Wilson) for 150 Highway 33 West;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licencing Board in Victoria.

Carried8. PLANNING

8.1 (a) Planning & Development Services Department, dated July 23, 2002 re: Development Variance Permit Application No. DVP02-0066 - Allwins Development, Eurotai Automotive, MacDonald Realty, and Victor International Holdings (Ken Webster and Bill Scutt) - 1160 Sunset Drive

Staff:

- The subject property is part of the Dolphins development which also contemplated a 2-storey commercial development on Sunset fronting the parkade seen from Water Street.
- The Development Permit (item 8.1b) would see development of that portion of the site with a 3-storey commercial/residential building with the commercial uses on the main floor and part of the 2nd floor and residential units on the balance of the 2nd floor and on the 3rd floor. The upper plaza level would not be wheelchair accessible.
- The Development Variance Permit is for approval to reduce the parking requirements for only the residential component to 1 stall per unit which would mean a variance from 10 to 8 stalls. The applicant is paying cash in lieu for 1 stall.

The City Clerk stated for the record that no correspondence had been received relevant to this application.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward.

Ken Webster, co-applicant:

- Has been working on this application for over 8 months. The Dolphins Strata Council has given their unanimous support as did the Advisory Planning Commission.
- Condition No. 5 in the recommendations for the Development Permit would require that the security gate be moved. This is surprising as it was never discussed. Disappointed that has been added as they believe the proposal is good as presented and would have real concerns with moving the gate within the building.

Bill Scutt, co-applicant:

- The issue is moving the gate. For security reasons, the gate is proposed at the entrance of the parkade. Staff want the gate moved so that all of the parking is accessible to the public. Moving the gate would give more of an opportunity for people to hide and get into the parkade.
- The adjacent City-owned parking lot is empty most of the time and would be available for visitor parking.
- Each of the 21 units would have a parking stall; 8 stalls are allocated to the residences and 1 stall for each commercial unit.

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Staff:

- The condition was added because as proposed, all of the parking being provided would be under security and not available for public use by the customers/visitors to the building. Staff recognize that other parking is available in the City-owned parking lot but felt that the parking provided for the building should include some stalls for public use.
- As long as the residents and business owners of the building would have full access to the parking, staff could support removing the condition to move the security gate from the recommendation.

John Gough, 804-1160 Sunset Drive:

- Spoke on behalf of the Dolphins Strata Council in support of the application.
- The security gate for the Dolphins parking is in a well lit area and is overlooked by both the Dolphins and the Lagoons yet there is still problems with intruders and vandalism and theft inside. Moving the gate inside this parking area would create 24-hour sheltered accommodation for all the rowdies in the car park.

Council:

- Agreed to eliminate the condition for the security gate to be moved from the Development Permit.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R719/02/08/13 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0066 for Lot B, D.L. 139, ODYD, Plan KAP49982, located on Sunset Drive, Kelowna, B.C.;

AND THAT variances to the following section of City of Kelowna Zoning Bylaw No. 8000 be granted:

Section 8, Table 8.1 – Parking Schedule: Reduce the number of parking stalls from 1.25 stalls per 1-bedroom unit, 1.5 stalls per 2-bedroom unit and 1 stall per bachelor unit required to 1 stall per residential unit.

Carried

- (b) Planning & Development Services Department, dated August 7, 2002 re: Development Permit Application No. DP02-0055 – Allwins Development, Eurotai Automotive, MacDonald Realty, and Victor International Holdings (Ken Webster and Bill Scutt) – 1160 Sunset Drive

See discussion under 8.1(a).

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R720/02/08/13 THAT Council authorize the issuance of Development Permit No. DP02-0055 for Lot B, D.L. 139, ODYD, Plan KAP 49982 except strata plan KAS1261, located on Sunset Drive, Kelowna, B.C, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

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2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Signage to be provided on the land be in general accordance with Schedule "D";
5. The applicants be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 8.2 Planning & Development Services Department, dated July 26, 2002 re: Development Variance Permit Application No. DVP02-0029 – Christian & Missionary Alliance-Canadian Pacific District (Keith Stutters/Stutters Construction Restorations) – 2091 Springfield Road

Staff:

- The Alliance Church wanted to proceed with three relatively minor additions to the existing building but found it was non-conforming to the Zoning Bylaw.
- The requested variances would address those non-conformities.

The City Clerk stated for the record that no correspondence had been received relative to this application.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R721/02/08/13 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0029; Lot A, D.L. 128, ODYD, Plan 20452 except Plan 43402, located on Springfield Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 16.2.5 (b) Development Regulations: The maximum site coverage of 60% for buildings, parking areas and roads be varied to 86% as proposed;

Section 7.6 Minimum Landscape Buffers: Landscaping buffers as required by section 7.6.1 be varied to:

- North – from 3.0 m required to 1.0 m proposed;
- East – from 3.0 m required to 1.0 m proposed;
- South - from 3.0 m required to a range of 1.3 m to 3.0 m proposed;
- West – from 3.0 m required to 2.0 m proposed;

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Section 8.1.10 Parking Regulations: Required parking setback requirements be varied from 2.0 m required to 1.0 m proposed for north & east property lines;

Section 8.1.2 Number of parking spaces: The number of additional required parking stalls is varied from 4 to 0 as proposed;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

8.3 Planning & Development Services Department, dated July 26, 2002 re: Development Variance Permit Application No. DVP02-0069 – 369736 BC Ltd., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management, Ltd., and Gillen Investments (Mike Jacobs/Summit South Development Joint Venture) – 5062-5114 South Ridge Drive

Staff:

- The applicant is seeking continuation of an earlier variance already approved by Council to allow his next phase of lots direct access from the road rather than the lane because of topographic constraints.

The City Clerk stated for the record that no correspondence had been received relevant to this application.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Given

R722/02/08/13 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0069, Summit South Development Joint Venture; Lots 1 – 14, DL1688S, SDYD, Plan KAP71342, located on South Ridge Drive, Kelowna, B.C.;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.2.6 (b), Access to RU2 - Medium Lot Housing: To vary the requirement restricting on-site access by way of the rear lane only, to allow vehicular access from South Ridge Drive.

Carried

9. BYLAWS

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

9.1 Bylaw No. 8890 – Amendment No. 5 to Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Given/Seconded by Councillor Shepherd

R723/02/08/13 THAT Bylaw No. 8890 be read a first, second and third time.

Carried

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(BYLAWS PRESENTED FOR ADOPTION)

- 9.2 Bylaw No. 8847 – Amendment No. 8 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R724/02/08/13 THAT Bylaw No. 8847 be adopted.

Carried

- 9.3 Bylaw No. 8889 – Amendment No. 16 to Development Application Fees Bylaw No. 8034

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R725/02/08/13 THAT Bylaw No. 8889 be adopted.

Carried

10. REMINDERS

11. TERMINATION

The meeting was declared terminated at 12:58 a.m.

Certified Correct:

Mayor

BLH/pp

City Clerk