

Regular MeetingOctober 22, 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, October 22, 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; Parks Manager, J. Creron\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:58 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, September 30, 2002  
Public Hearing, October 1, 2002  
Regular Meeting, October 1, 2002  
Regular Meeting, October 7, 2002

Moved by Councillor Given/Seconded by Councillor Nelson

**R897/02/10/22** THAT the Minutes of the Regular Meetings of September 30, October 1, and October 7, 2002 and the Minutes of the Public Hearing of October 1, 2002 be confirmed as circulated.

Carried

4. Councillor Nelson was requested to check the minutes of this meeting.

Mayor Gray altered the order of business and advised that agenda item No. 7.1 would be dealt with next.

7.1 Planning & Development Services Department, dated October 4, 2002 re: Development Variance Permit Application No. DVP02-0087 – Robert Clerke – 1150 Raymer Avenue

Staff:

- The applicant proposes to construct an enclosed structure for his boat between his garage and west property boundary. To achieve that and allow a large maple tree on the property to remain, a variance is required to reduce the west side yard setback.
- The neighbours have indicated support for the application.

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

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

Moved by Councillor Hobson/Seconded by Councillor Day

**R898/02/10/22** THAT Council authorize the issuance of Development Variance Permit No. DVP02-0079; Doug Clark, Lot 6, District Lot 138, ODYD Plan 4505;

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

**Section 13: Specific Zone Regulations: RU1 – Large Lot Housing** - Vary the side yard setback from 2 m required to 1 m proposed.

Carried

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

- 5.1 Bylaw No. 8894 (OCP01-009) – City of Kelowna (Mission District Park) – Gordon Drive **requires majority vote of Council (5)**

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R899/02/10/22** THAT Bylaw No. 8894 be read a second and third time.

Carried

- 5.2 Bylaw No. 8895 (TA01-008) – City of Kelowna (Mission District Park) – Gordon Drive

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R900/02/10/22** THAT Bylaw No. 8895 be read a second and third time.

Carried

- 5.3 Bylaw No. 8896 (Z01-1040) – City of Kelowna (Mission District Park) – Gordon Drive

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R901/02/10/22** THAT Bylaw No. 8896 be read a second and third time.

Carried

- 5.4 Bylaw No. 8907 (Z02-1026) – Interior Health Authority (Norm Hatlevik) – 135 Davie Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R902/02/10/22** THAT Bylaw No. 8907 be read a second and third time.

Carried

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

- 6.1 Planning & Development Services Department, dated September 30, 2002 re: Liquor Licencing Application No. LL01-008 - Mission Creek Holdings Ltd. (Tony Bonin/Creekside Pub BC Ltd.) – 3929/3933 Lakeshore Road

## Staff:

- New liquor licencing regulations are expected to come into effect December 2, 2002 and under those regulations a resolution of support from Council would no longer be needed on this type of application. They would simply apply to Victoria for approval.
- Recommend support for the amendment. The occupant load has been rated at 127 so the increase from 65 to 97 persons in the interior portion of the pub is well within the load capacity.

The City Clerk advised that the following correspondence and petitions had been received in **opposition** to the application because of concerns about noise, traffic, litter, parking, property values, disturbance to people using the Mission Greenway behind, and promotion of alcohol.

- Petition bearing 65 signatures of residents at 609 Truswell Road;
- Letters from the following residents of 609 Truswell Road:
  - Fred and Joanne Henderson, #107
  - Ian and Vivian McLeod, #134
  - Peter and Gayle Darby, #127
  - Marie and Anthony Volk, #103
  - Ted and Joan Ostry, #112
  - J. McIntyre, #109
  - John and Margaret Klingbeil, #133
  - Mel and June Dawe, #180
  - Ann and Bert Huculak, #119
  - John and Irene Stapleton, #101
  - Shirley and Ferdinand Missiaen, #110
  - William G. Sutton, #169
  - Ella Kostaschuk, #159
  - Kathleen and Eric Love, #147
  - Dawn Young, #121
  - Sharon George, #135
  - Bill and Marjorie Fydell, #115
  - Ruthellen Hunter, #179
  - Betty Lowman, #161
  - Myrtle Smith, #168
  - Y. Jubinville, #167
  - Doreen Bernier, #181
  - Irene Schneidmiller, #139
  - J.H. Newman, #117
  - R.C.K. and Linda Hayter, #153
- Letter from Robert Gibson, #216-605 Lexington Drive

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

Anne Huculak, 609 Truswell Road:

- The residents of the River Run complex across the creek from the pub are finding that noise is a problem in the evenings from cars and motorcycles revving motors, squealing tires, foul language, screaming, and extremely loud music.
- Would like the pub owners to keep the music level down and keep the doors closed at nights.

Jamel Abougoush, part owner of the facility:

- The facility is recently under new management. Was not aware of the problems being expressed tonight.
- The pub has been there a lot longer than River Run and the people that bought homes along the creekside were made aware of the pub.
- Have always prided themselves in being able to get along with the community. Would like to meet with the neighbours to try to address their concerns.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R903/02/10/22** THAT further consideration of Liquor Licencing Application No. LL01-008 to increase the person capacity in Creekside Pub be deferred to allow the applicant to meet with and enter into a Good Neighbourhood agreement with the adjacent neighbourhood.

Carried

## 7. PLANNING

- 7.1 Planning & Development Services Department, dated October 4, 2002 re: Development Variance Permit Application No. DVP02-0087 – Robert Clerke – 1150 Raymer Avenue

Dealt with after agenda item No. 4.

- 7.2 Planning & Development Services Department, dated October 7, 2002 re: Development Variance Permit Application No. DVP02-0092 – Ben Lust – 877 Wintergreen Drive

Staff:

- The variance would allow for the construction of a small sunroom addition at the rear of the property.

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

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

Moved by Councillor Shepherd/Seconded by Councillor Given

**R904/02/10/22** THAT Council authorize the issuance of Development Variance Permit No. DVP02-0092; Ben Lust, Lot 9, District Lot 135, ODYD Plan 39866;

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

**Section 13: Specific Zone Regulations: RU2 – Medium Lot Housing** - Vary the rear yard setback from 6 m required to 5.1 m proposed.

Carried

7.3 Planning & Development Services Department, dated October 2, 2002 re: Development Variance Permit Application No. DVP02-0082 – Steve Geisbrecht - 2008 Ethel Street

Staff:

- Mill Creek runs through a good portion of the subject property. The variance is requested for a 2-storey building addition to the dwelling that would provide a workshop/exercise area and garage on the main floor with a new master bedroom above.
- The neighbour to the south who would be affected by the proposed addition has indicated support for the requested variance.

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 to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R905/02/10/22** THAT Council authorize the issuance of Development Variance Permit No. DVP02-0082; Steve Geisbrecht, Lot F, Sec. 19, Twp. 26, ODYD Plan 12546, located on Ethel Street, Kelowna, B.C., allowing the construction of a two story building addition:

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

**13.6.5 (d) Side Yard**: Reduce the Side Yard Setback from 2.3 m required to 0.35 m.

Carried

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- 7.4 Planning & Development Services Department, dated September 18, 2002 re: Development Variance Permit Application No. DVP02-0079 – Doug Clark – 803 Elliot Avenue

Staff:

- The applicant is proposing to move a single storey house from Richter Street onto the subject property and is asking for the reduced frontage so that he will be able to stratify the buildings and retain the property in common.

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 to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R906/02/10/22** THAT Council authorize the issuance of Development Variance Permit No. DVP02-0079; Doug Clark, Lot 6, District Lot 138, ODYD Plan 4505;

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

**Section 13: Specific Zone Regulations: RU6 – Two Dwelling Housing** - Vary the frontage from 18 m required to 17.5 m existing for duplex housing.

Carried

- 7.5 Planning & Development Services Department, dated October 3, 2002 re: Development Variance Permit Application No. DVP02-0081 – Interior Health Authority – 135 Davie Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R907/02/10/22** THAT Council consideration of Development Variance Permit Application No. DVP02-0081 (Interior Health Authority – 135 Davie Road) be deferred to the Regular Meeting of November 4, 2002.

Carried

## 8.0 BYLAWS

### **(BYLAW PRESENTED FOR FIRST THREE READINGS)**

- 8.0.1 Bylaw No. 8922 – 2003 Tax Exemption Bylaw

Moved by Councillor Given/Seconded by Councillor Nelson

**R908/02/10/22** THAT Bylaw No. 8922 be read a first, second and third time.

Carried

8. REMINDERS – Nil.

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9. TERMINATION

The meeting was declared terminated at 9:16 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am