

Regular MeetingJuly 22, 2003

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, July 22, 2003.

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

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Special Projects Planning Manager, H.M. Christy\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:36 a.m.

2. PRAYER

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

A motion moved by Councillor Clark to adjourn all items on this agenda to 7:00 p.m. on Wednesday, July 23, 2003 was lost for lack of a seconder.

EXTENSION OF MEETING

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R667/03/07/22** THAT the Rules of Procedure under Section 4.18.1 of Council Bylaw No. 7906 be suspended and the meeting be continued beyond 11:00 p.m.

Carried

Councillor Clark opposed.

Moved by Councillor Horning/Seconded by Councillor Blanleil

**R668/03/07/22** THAT the Rules of Procedure under Section 4.6.4 of Council Bylaw No. 7906 be suspended and Council proceed with considering the bylaws from the Public Hearing.

Carried

3. CONFIRMATION OF MINUTES

Regular Meeting, July 7, 2003  
Public Hearing, July 8, 2003  
Regular Meeting, July 8, 2003

Moved by Councillor Hobson/Seconded by Councillor Clark

**R669/03/07/22** THAT the Minutes of the Regular Meetings of July 7 and July 8, 2003 and the Minutes of the Public Hearing of July 8, 2003 be confirmed as circulated.

Carried

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4. Councillor Horning was requested to check the minutes of this meeting.
5. **PLANNING BYLAWS CONSIDERED AT JULY 8 and JULY 22, 2003 PUBLIC HEARINGS**

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

- 5.1 Bylaw No. 9016 (Z03-0021a) – Willcliff Holdings Ltd. (RJ McMasters Pub) – 1992 Dilworth Drive

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R670/03/07/22** THAT Bylaw No. 9016 be read a second and third time.

Carried

- 5.2 Bylaw No. 9017 (Z03-0021b) – MS Development Inc. (Yamas) – 1630 & 1654 Ellis Street

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R671/03/07/22** THAT Bylaw No. 9017 be read a second and third time.

Carried

- 5.3 Bylaw No. 9018 (Z03-0021c) – R93 Enterprises Ltd. (Hotel Eldorado) – 500 Cook Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R672/03/07/22** THAT Bylaw No. 9018 be read a second and third time.

Carried

- 5.4 Bylaw No. 9019 (Z03-0021d) - K & J Noble Holdings Ltd. (Willow Inn) – 235 Queensway Avenue

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R673/03/07/22** THAT Bylaw No. 9019 be read a second and third time.

Carried

Councillors Clark and Hobson opposed.

- 5.5 Bylaw No. 9020 (Z03-0021e) – Evergreen Lands Ltd. (Waterfront Wines) – 1180 Sunset Drive

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R674/03/07/22** THAT Bylaw No. 9020 be read a second and third time.

Carried

Councillor Clark opposed.

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- 5.6 Bylaw No. 9021 (Z03-0021f) – Bill-Ed Logging Ltd. et al (Prestige Inn) – 1675 Abbott Street

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R675/03/07/22** THAT Bylaw No. 9021 be read a second and third time.

**DEFEATED UNANIMOUSLY**

- 5.7 Bylaw No. 9022 (Z03-0021g) – 475872 BC Ltd. (Gotchas) – 238 Leon Avenue

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R676/03/07/22** THAT Bylaw No. 9022 be read a second and third time.

**DEFEATED UNANIMOUSLY**

- 5.8 Bylaw No. 9023 (Z03-0021h) – Lextaur Properties Inc. (Senior Frogs) – 274 Lawrence Avenue

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R677/03/07/22** THAT Bylaw No. 9023 be read a second and third time.

**DEFEATED UNANIMOUSLY**

- 5.9 Bylaw No. 9024 (Z03-0021i) – Grand Okanagan Resort – 1310 Water Street

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R678/03/07/22** THAT Bylaw No. 9024 be read a second and third time.

Carried

- 5.10 Bylaw No. 9025 (Z03-0021j) – Northland Properties Ltd. (Sandman Hotel) – 2130 Harvey Avenue

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R679/03/07/22** THAT Bylaw No. 9025 be read a second and third time.

**DEFEATED**

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

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6. PLANNING BYLAWS CONSIDERED AT JULY 22, 2003 PUBLIC HEARING

**(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING AND SECOND & THIRD READINGS, AS AMENDED)**

- 6.1 Bylaw No. 9054 (OCP03-0009) – Glenwest Properties (Paul Rosenau/ Ekistics Town Planning Inc.) – Glenmore Highlands **requires majority vote of full Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R680/03/07/22** THAT Bylaw No. 9054 be amended at first reading by adjusting the subject property boundary on Maps A, B, B1 and C at Lot 8, Sec. 8, Twp. 23, Plan 29568, as indicated on the June 25, 2003 revised version of Map C.

Carried

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R681/03/07/22** THAT Bylaw No. 9054 as amended be read a second and third time.

Carried

- 6.2 Bylaw No. 9057 (HRA03-0001) - Heritage Revitalization Agreement – Cheryl & David Negrin – 2094 Abbott Street

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R682/03/07/22** THAT Bylaw No. 9057 be amended at first reading as follows:

- Insert into clause 4.1 of the agreement attached as Schedule "A", after "OR, in the event that the Hughes-Games House is destroyed" the words "after relocation on the site as outlined herein"; and
- Insert a new clause 4.2 with the words "In the event that the Hughes-Games House is destroyed during the relocation on the site as outlined herein, this agreement shall immediately terminate. The Owner and the City agree that final approval of the described subdivision shall not be sought unless and until the Hughes-Games House is safely relocated."

Carried

Councillors Hobson and Shepherd opposed.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R683/03/07/22** THAT further consideration of Bylaw No. 9057 (HRA03-0001 – Heritage Revitalization Agreement - 2094 Abbott Street) be deferred to allow Council to receive legal advice.

Carried

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**(BYLAW PRESENTED FOR SECOND AND THIRD READINGS)**

- 6.3 Bylaw No. 9055 (TA03-0007) - Glenwest Properties (Paul Rosenau/ Ekistics Town Planning Inc.) – Glenmore Highlands

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R684/03/07/22** THAT Bylaw No. 9055 be read a second and third time.

Carried

**(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING AND SECOND & THIRD READINGS, AS AMENDED)**

- 6.4 Bylaw No. 9056 (Z02-1061) - Glenwest Properties (Paul Rosenau/Ekistics Town Planning Inc.) – Glenmore Highlands

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R685/03/07/22** THAT Bylaw No. 9056 be amended at first reading by adjusting the subject property boundary on Map D at Lot 8, Sec. 8, Twp. 23, Plan 29568 as indicated on the June 25, 2003 revised version of Map C.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R686/03/07/22** THAT Bylaw No. 9056, as amended, be read a second and third time.

Carried

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

- 7.1 Planning & Corporate Services Department, dated May 21, 2003 re: Liquor Licensing Application No. LL03-0008 – Valley Lanes – 200 Rutland Road South

Staff:

- Valley Lanes is proposing to license a 62-person capacity outdoor patio area adjacent to some volleyball courts on the south end of the building.
- Hours of operation would be tied to the volleyball use (noon to 10:30 p.m.)
- The comment in the staff report that the patio area should be property screened with landscaping was made on the premise that the operation would be permanent. However, having since learned that the area will be returned to a parking lot at the end of the summer season, would now recommend solid or lattice fencing as a screen for this type of short-term use.

The Deputy City Clerk advised that the following correspondence & petitions were had been received:

- letter from Darlene & Wayne Lee, Robson Road West
- letter from Iris Willis, Robson Road East
- letter from Ona Willis, Robson Road East
- letter from Jim Fishley, Robson Road West
- letter from Natalie Enevoldson, Robson Road East
- petition bearing 50 signatures of area residents

opposed because of the potential disturbance for residents in the neighbourhood from loud music, drunken behaviour by patrons, loss of parking, increased criminal activity in the area.

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- letter of support from Forsythe Chiropractic, Rutland Road South
- letters of support from two members of the Rutland Volleyball League.

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

Bryan Sargeant, 200 Rutland Road South:

- Owns and operates Valley Lanes.
- As a pub Valley Lanes sponsors teams and came to realize there was a shortage of facilities for outdoor volleyball.
- Has been running the outdoor courts since June 8<sup>th</sup>; the players are in a fenced-in area and there are showers, washrooms and a shaded bleacher area for seating.
- The requested extension is to an 'lp' license that has existed since 1974.
- The intent is for the patio to be opened for the 3-month period from June to August. The same staff who work in the pub would work in the new patio area and watch out for what goes on.
- There are two 5-inch speakers on top of the bleacher area. The same size speakers are on the patio on the other side of the building. The one noise complaint that was received was about a boom box in a vehicle in the parking lot.
- Noise has to be expected with summer outdoor sports and that is why the courts would be closed down by 10:30 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Horning

**R687/03/07/22** THAT Council support a licensed person capacity increase from 91 persons to add a patio with a seating capacity of 62 on Lots 11 and 12, Section 23, Township 26, Plan 12078, ODYD, proposed by Valley Lanes for 200 Rutland Road South;

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

Carried

Councillors Clark, Hobson and Shepherd opposed.

## 8. PLANNING

8.1 Planning & Corporate Services Department, dated June 19, 2003 re: Development Variance Permit Application No. DVP03-0059 – Kirk & Tami Kiewitz – 4557 Gordon Drive

Staff:

- The house is situated toward the back of the lot and the existing rear yard setback is non-conforming. The applicant is proposing to construct an addition to the rear of the existing house at the same non-conforming setback.

The Deputy City Clerk advised that the following correspondence had been received:

- letter of support from the adjacent neighbour at 4553 Gordon Drive.
- letter of opposition from adjacent neighbour at 4554 Horak Road saying that the addition would intrude on their privacy.

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

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Michael Newton, representing the applicants:

- There are a lot of trees on the lot; about 10 large pines or firs in the front and heavy foliage along the side.
- Showed the location of the proposed addition noting that one large tree would have to be removed to accommodate the addition.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R688/03/07/22** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0059 for Lot B, District Lot 358, ODYD, Plan 28756, located on Gordon Drive, Kelowna, B.C.;

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

**Section 13: RU1-Large Lot Housing: Subsection 13.1.5 (e):**

- Vary the rear setback from 7.5 m required to 3 m proposed.

Carried

8.2 Planning & Corporate Services Department, dated June 24, 2003 re: Development Variance Permit Application No. DVP03-0064 – Doug Wood – 1785 Harvey Avenue

Staff:

- Asked that Council defer this and the next application to the August 5, 2003 Regular Meeting because appropriate signage was not posted on the property.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R689/03/07/22** THAT Council consideration of Development Variance Permit No. DVP03-0064 (Doug Wood – 1785 Harvey Avenue) be deferred to the Regular Meeting of Tuesday, August 5, 2003.

Carried

8.3 Planning & Corporate Services Department, dated June 17, 2003 re: Development Variance Permit Application No. DVP03-0052 – Okanagan University College – 3333 College Way

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R690/03/07/22** THAT Council consideration of Development Variance Permit No. DVP03-0052 (Okanagan University College – 3333 College Way) be deferred to the Regular Meeting of Tuesday, August 5, 2003.

Carried

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

Bylaw No. 8979 (Z02-1046) - Starline Enterprises Ltd. (Wes Friesen/Points West Architecture) – 2260-2270 Haynes Road

Moved by Councillor Horning/Seconded by Councillor Clark

**R691/03/07/22** THAT Bylaw No. 8979 be adopted.

Carried

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- (b) Planning & Corporate Services Department, dated July 16, 2003 re: Development Permit Application No. DP02-0096 – Starline Enterprises Ltd. (Points West Architecture) – 2260-2270 Haynes Road

**Staff:**

- The driveway access has been moved from the north side to the south side of the lot. All parking has been moved to underground and the two towers are moved closer together so that parking can be accommodated in one underground parkade and a more significant open space area can be provided at either end of the project. Also, the colour scheme has been refined to add character to the building and more cultured stone.
- The concerns of Council and City staff have been adequately addressed and verbal comments from the residents of the adjacent buildings indicate they support the changes.
- Variances will be required for daylighting angles.

Moved by Councillor Hobson/Seconded by Councillor Day

**R692/03/07/22** THAT Council authorize the issuance of Development Permit No. DP02-0096 for Lot A, DL 142, O.D.Y.D., Plan 15378 Exc. Plan KAP59549, located on Hynes Road, 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";
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. The applicant 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;
5. Registration of Road Exchange Bylaw No. 9037 be confirmed prior to issuance of building permits for the westerly tower (Phase 2);

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



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- (c) Planning & Corporate Services Department, dated June 26, 2003 re: Development Variance Permit Application No. DVP03-0023 – Starline Enterprises Ltd. (Points West Architecture) – 2260-2270 Haynes Road

Staff:

- The same variance was supported by Council for the tower on the adjacent property.

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 Day

**R693/03/07/22** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0059 for Lot B, D.L. 358, O.D.Y.D. Plan 28756, located on Gordon Drive, Kelowna, B.C.;

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

**Section 6.1.2(c) – General Development Regulations – Daylighting Standards**, To vary the daylighting angle to the north side of the proposed building from maximum 65° permitted to the 75° proposed.

Carried

## 9. BYLAWS

### **(BYLAWS PRESENTED FOR FIRST READING)**

- 9.1 Bylaw No. 9059 (Z03-0030) - Jaskaran Kandola (Axel Hilmer) – 934 Ackerman Crescent

Councillor Day declared a conflict of interest as owner of a property within the notification area for this application and left the Council Chamber at 2:57 a.m.

Moved by Councillor Horning/Seconded by Councillor Hobson

**R694/03/07/22** THAT Bylaw No. 9059 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 2:58 a.m. and took his place at the Council Table.

- 9.2 Bylaw No. 9060 (Z03-0017) – Syrina Pidwebesky & Derek Klask – 681 Paret Place

Moved by Councillor Horning/Seconded by Councillor Blanleil

**R695/03/07/22** THAT Bylaw No. 9060 be read a first time.

Carried

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**(BYLAWS PRESENTED FOR ADOPTION)**

9.3 Bylaw No. 9010 – Road Exchange Bylaw – 5920 Chute Lake Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R696/03/07/22** THAT Bylaw No. 9010 be adopted.

Carried

10. REMINDERS – Nil.

- Mayor Gray to send letters of appreciation to all of the directors who worked on the Disabled Games.

11. TERMINATION

The meeting was declared terminated at 3:00 a.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk