

Regular MeetingAugust 10, 2004

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 10, 2004.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:40 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, July 12, 2004  
Public Hearing, July 13, 2004  
Regular Meeting, July 13, 2004  
Regular Meeting, July 26, 2004

Withdrawn from the agenda.

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

6.2 Liquor Licensing Application No. LL04-0002 – Springfield Plaza Inc. – 1585 Springfield Road

Council:

- Noted that most people in the gallery are in attendance for the application under agenda item No. 6.2.
- Also noted that with Councillor Blanleil being absent tonight and two other members of Council being in a conflict of interest on the application there would only be 6 members of Council to participate in the vote at this meeting.
- Agreed to hear from the people in the gallery tonight and then decide whether to defer the decision to the Regular Meeting on Monday, August 23, 2004 when all the Councillors eligible to vote can be in attendance.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

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

5.1 Bylaw No. 9276 (Z03-0069) – Mary Cresswell – 902 Skyline Street

Moved by Councillor Hobson/Seconded by Councillor Day

**R775/04/08/10** THAT Bylaw No. 9276 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9278 (Z04-0029) – Robert Bartz/City of Kelowna (Thomas Gaffney Architect Inc.) – 285 & 301 Glenmore Road

Moved by Councillor Day/Seconded by Councillor Hobson**R776/04/08/10** THAT Bylaw No. 9278 be read a second and third time.Carried

- 5.3 Bylaw No. 9279 (Z04-0036) – Paul & Donna Robinson – 1216 Graf Road

Moved by Councillor Hobson/Seconded by Councillor Day**R777/04/08/10** THAT Bylaw No. 9279 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.4 Bylaw No. 9119 (TA03-0010) – City of Kelowna Zoning Bylaw Amendments

Moved by Councillor Day/Seconded by Councillor Cannan**R778/04/08/10** THAT Bylaw No. 9119 be read a second and third time, and be adopted.Carried

- 5.5 Bylaw No. 9277 (Z04-0027) – Sundowner Holdings Ltd and Woodlawn Projects Inc. (Protech Consultants Ltd./Grant Maddock) – 5377 Hedeman Court

Moved by Councillor Given/Seconded by Councillor Horning**R779/04/08/10** THAT Bylaw No. 9277 be read a second and third time, and be adopted.Carried**6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATIONS**

- 6.1 Planning & Corporate Services Department, dated July 19, 2004 re: Liquor Licensing Application No. LL04-0010 – R522 Enterprises Ltd. (Franco Cocco) – 1451 Ellis Street

Staff:

- The application is to allow for the continuation of the hours that La Bussola enjoyed at their previous location. The restaurant recently moved and is deemed to be a new application at the new location by the LLCB.

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

- letter of support from Marian Grimwood of Wasa Properties Inc., 1433 St. Paul Street

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

Moved by Councillor Horning/Seconded by Councillor Given

**R780/04/08/10** THAT Council support a change to the permitted hours of operation from 11 a.m. to 12 a.m. 7 days per week to 11 a.m. to 1 a.m. 7 days per week, on Lot 5, District Lot 139, ODYD Plan 800 proposed by La Bussola Restaurant for 1451 Abbott Street;

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

Carried

6.2 Planning & Corporate Services Department, dated July 21, 2004 re: Liquor Licensing Application No. LL04-0002 – Springfield Plaza Inc. – 1585 Springfield Road

Councillor Given declared a conflict of interest because his employer derives income from Kelowna Bingo and left the Council Chamber at 7:55 p.m.

Councillor Day declared a conflict of interest because a direct family member owns adjoining property and left the Council Chamber at 7:55 p.m.

Staff:

- The property is adjacent to the Rona site.
- The property was recently rezoned to a Comprehensive Development (CD) zone that provides for the Liquor Primary (lp) use and extended gaming possibilities.
- The existing grassed area is where the proposed expansion would be constructed. This is consistent with the original concept for ultimate development of the property.
- Initially the applicant wanted to license the entire facility with liquor service but, because that was in conflict with the recommendations of the Mayor's Entertainment District Task Force, the request was narrowed down to specific areas including the entire area of the addition with capacity of 300 seats; an adjoining existing area with 75 seats, and the Starship Lounge with 50 seats. The applicant would be permitted to move alcohol from a single bar to these areas. The proposed 425 seating capacity for the 'lp' license represents approximately 1/3 of the total occupant load of the building.
- The applicant is also asking to be provided with up to six Special Occasion Licenses where the entire facility could be licensed for liquor sale (1,254 occupant load). Staff recommend against allowing six such permits because it would be contrary to internal policies that have been used for other liquor licensed establishments. Staff are authorized to approve temporary changes and are prepared to approve up to three temporary liquor license permits for the applicant.
- The RCMP have indicated concerns about the capacity of the licensed areas.
- Staff recommended against the rezoning to the CD zone but since that was approved by Council staff recommend support of the subject liquor licensing application.

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

**Letters of Opposition:**

- Don Crowe, Vice Chair Sandringham Strata, #184 1995 Burtch Road
- Susan Fertile, 2175 Burtch Road
- Gayle Stevensen, nearby resident
- Suzanne Warner, #101, 1995 Burtch Road
- Mr. & Mrs. Harry Unick, nearby residents
- Edna Terbasket, Executive Director, Ki-Low-na Friendship Society, 422 Leon Avenue
- Correne Busby, Strata K429, 1580 Springfield Road – 1 form letter with 13 signatures from Strata K429 owners
- Sheila Falk, Secretary, Royal Purple of Canada
- Gayle Seabrook, Member of Strata Corporation K436, Unit 106
- Irene & Ron Burrige, #201 – 2125 Burtch Road
- Aldo Mraus, 101-2125 Burtch Road
- June Halter, 509 – 2125 Burtch Road
- Helen Gartner, 414 - 2125 Burtch Road
- Ron & Anita Unger, 11 - 2125 Burtch Road
- Rosemary Paterson, Manager, Best Western Inn (Kelowna)
- Doug Sader, 1469 Denver Road
- Alfred Geismayr, 2085 Inkar Road

**Petition of Opposition:**

- Petition bearing 36 signatures of Sandringham residents

All opposed generally because of concerns about increased noise, crime, traffic, gambling and drinking, drinking drivers in the area, addiction problems, family breakdowns and greater reliance on social services, potential negative impact on the environment of the neighbourhood and the value of surrounding properties, and safety in the neighbourhood.

**Letters of Support:**

- Central Okanagan Bingo Association/package of 23 letters from the following Non-Profit Societies:
  - United Commercial Travellers of America
  - Kelowna Central Lions Club
  - Kelowna Art Gallery
  - Royal Canadian Legion Oyama Branch No. 189
  - Lake Country Food Assistance Society, Winfield
  - ACT/UCT, Kelowna West Council #1003
  - Kelowna & District Society for Community Living, 555 Fuller Avenue
  - Okanagan Sun Football Club
  - Kiwanis Club of Kelowna Summit
  - President Kiwanis Club of Kelowna – High Noon
  - Kelowna Rutland Lions Club
  - Winfield Memorial Hall Association
  - Kelowna Shrine Club No. 15
  - Rotary Club of Kelowna Capri
  - Westbank Lioness Club
  - Kelowna Sunrise Rotary Club
  - Assumption of the Blessed Virgin Mary Ukrainian Catholic Parish
  - Kelowna & District Share Society
  - Knights of Columbus Our Lady of Lourdes Council No. 6233
  - Knights of Columbus Our Lady of Lourdes Council No. 8520
  - Lifestyle Equity Society
  - Okanagan Special Peoples Society
  - OUCAA

All in support generally on the basis that their charitable endeavours would be strengthened by the draw of new patrons into the Bingo facility.

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**Conditional Support:**

- letter from Steve Sellers, #502 – 2125 Burtch Road providing a copy of a letter he received from the owner of Kelowna Bingo and advising that he supports the application provided that the owner intends to abide by the changes outlined in the letter.

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

John McAfee, Springfield Plaza (applicant):

- Bingo Kelowna has had numerous events over the past two years where the entire facility has been licensed with no problems and no complaints.
- The direction the facility is headed in was envisaged back when the facility was put together – things are just happening earlier than anticipated.
- Initially wanted to license the entire facility. The LLCB was concerned about the movement of liquor within the facility; the City was concerned about licensing the entire facility given its seating capacity. The application was adjusted to address the concerns.
- The next problem was concern about when the entire facility should be licensed for special events. Requested a permit to include six occasions per year. Only just recently learned that staff are recommending three instead of six occasions. The operator of Bingo Kelowna is willing to accept three. He has never had more than three special occasion permits in a year but wanted the option of not having to come back to Council to go beyond three occasions.
- The total 425 seating capacity is supported by City staff. Occasions when there would be 425 people consuming liquor would be virtually non-existent.
- To address the concerns of the residents of Sandringham, the residents of the development directly across the road, and the residents of the adjacent Burtch Estates, the hours for liquor service would be concluded at 11:59 p.m. and a 'no parking after 10 p.m.' sign would be posted on the parking stalls adjacent to Burtch Estates.
- Bingo Kelowna is not a typical liquor primary facility. The facility provides specific uses for specific patrons – primarily to play bingo. The liquor license would allow the facility to provide liquor service to the patrons who want it.
- Mr. Walt has been in the bingo business in Kelowna for years and has taken the revenue from \$3 to \$9 million and then from \$9 to \$14 million and the charities are the primary beneficiaries.
- More than 50% of the patrons have indicated they would like liquor service in the facility. The BCLC sees Bingo Kelowna as the best facility in BC and are in full support of the facility.

Stan Walt, operator of the Bingo Kelowna facility:

- Responded to questions of Council regarding past events in the facility that were licensed by special occasion permits; advised that the charities have all been advised of the potential to increase sales but no promises were made to the charities that their revenue would increase; the liquor license is not essential to the success of the facility – it is one piece of the package that allows Bingo Kelowna to create a well-rounded, adult gaming facility and is an evolution of what the gaming industry is becoming.

Alberta Bosshard, 1440 Springfield Road:

- Totally opposed to gambling and alcohol which result in addiction, drunk drivers, abused children, and innocent suffering from fetal alcohol syndrome because of a drinking parent.
- The facility should serve alcohol-free beer and have to close before midnight.
- Life and happiness for the neighbouring residents should be more important than revenue.

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Gail Stevenson, resident of Sandringham:

- There are 60 families in Sandringham. The residents of Sandringham were delighted to have Bingo Kelowna as a neighbour as the facility was an improvement over the former use of the site as a construction yard. The residents of Sandringham have found the bingo facility to be quiet.
- However, there is a big difference between bingo and horse races and slot machines. There is already enough vandalism in the neighbourhood and serving alcohol would increase the incidents of crime. It is the neighbourhood residents who would be affected by the increased crime rate.
- Asked that Council not support the subject application.

Dennis Graham, Provincial Director of ABLE BC (Alliance of Beverage Licensees of BC):

- Supports the requested liquor license being limited to designated areas.
- Liquor and gambling combined destroys the thought process.
- Concerned that a precedent would be set for expanding liquor licensing to the Casino and other gaming establishments which would be like adding six new neighbourhood pubs to the community.
- No concerns about 400 seats in cabarets where people are dancing and eating in addition to drinking and not just sitting and playing a game.
- Concerned about the impact licensing Bingo Kelowna could have on other licensed businesses in town and their investment.

Don Crow, Sandringham:

- Concerned that this would be like introducing a huge number of pub seats to the neighbourhood.
- None of the submissions of support were from residents of the neighbourhood.

Marion Bremner, #1 - 1890 Cooper Road:

- Is a member of Kiwanis High Noon and their revenue from gaming has gone down not up.
- Is opposed to combining alcohol with gambling; lives can be devastated by that combination.

Don Campbell, Sandringham:

- About 3 years ago an application for a nightclub on Springfield Road was turned down because it would have introduced a liquor establishment in a residential area. Surprised that staff would now be recommending in support of the subject application.

Staff:

- That application was on the Speedy Auto Glass site. The City was dealing with the zoning at that time and the proposed land use was inconsistent with the surrounding uses.
- The policy direction that is used to determine the staff position on these applications came about through the Mayor' Entertainment District Task Force.

Harvey Benson:

- Wrote a letter on behalf of Jabs Construction opposing this application basically because alcohol affects the ability of people to control their gambling. He works with people with addiction problems (horse racing, alcohol and drugs) and has seen the negative impact on our community. If alcohol is going to be served in the subject premises service should be limited to a small lounge and a smoking area.

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John McAfee, Springfield Plaza (applicant):

- The distribution of funds to charities is done by the Province. The \$3 to 9 million and then to \$14 million revenue are gross figures. Of that approximately \$4 million per year is divided up between the charities. The amount the charities receive has been growing, largely because of the success of the Bingo Kelowna establishment.
- It is BCLC and the provincial government that have opened the doors to serving alcohol and other forms of electronic gaming. There are all forms of gaming in bars now (pull tabs, keno, etc.). The gaming industry is changing very rapidly.

Staff:

- Responding to questions of Council advised that the Bingo Kelowna facility opened in 2001 and at that time it never crossed anyone's mind that the facility could be licensed. The C10 zone was amended in order to allow for bingo facilities. Then early this year the zone was changed from C10 to a CD zone in order to allow for expanded gaming facilities.

Moved by Councillor Hobson/Seconded by Councillor Clark

**R781/04/08/10** THAT the decision on Liquor Licensing application No. LL04-0002 (Springfield Plaza Inc. – 1585 Springfield Road) be deferred to the Regular Meeting of Monday, August 23, 2004.

Carried

Councillors Day and Given returned to the Council Chamber at 9:10 p.m.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

7.1 Planning & Corporate Services Department, dated July 15, 2004 re: Development Variance Permit Application No. DVP04-0051 – Peter Oud & Randall Black (Marion Bremner) – 400 & 410 Milton Road

Staff:

- There is an existing house on each of the two properties. The applicant is proposing to create a third lot between the houses.
- The applicant has confirmed support from the abutting property owners.

The Acting City Clerk advised that no correspondence had been received.

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

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R782/04/08/10** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0051; Lot 9, Sec. 23, Twp. 26, ODYD Plan 17606 and Lot 26, Sec. 23, Twp. 26, ODYD Plan 17606;

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

Section 13: Urban Residential Zones: RU1 – LARGE LOT HOUSING: Subdivision Regulations

**Section 13.1.5 (b)**: Vary the lot depth from 30.00 m required to 21.33 m proposed.

Carried

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- 7.2 Planning & Corporate Services Department, dated July 13, 2004 re: Development Variance Permit Application No. DVP04-0038 – Aberdeen Holdings Ltd. (Protech Consultants Ltd./Grant Maddock) – 1405 Guisachan Road

Councillor Day declared a conflict of interest because a direct family member owns adjoining property and left the Council Chamber at 9:16 p.m.

Staff:

- The proposed 50-unit bareland strata development and the requested variances are similar to what exists across the street in earlier phases of the Balmoral development.

The Acting City Clerk advised that no correspondence or petitions had been received.

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

Grant Maddock, applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R783/04/08/10** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0038, Aberdeen Holdings Ltd.; Lot 2, DL 136, ODYD, Plan KAP72184, located on Guisachan Road, Kelowna, B.C.;

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

- a) Section 13.5.6(f) – A garage or carport shall be no less than 6.0 m from a curb or sidewalk.
  - To vary this requirement for proposed Strata Lots 16, 26 and 27 from 6.0 m to 4 m;
- b) Section 13.5.6(f) – A 0.0 m side yard is permitted on either side of the property line over which the building sits in order to accommodate semi-detached housing, when the other side yard on each bareland strata lot is a minimum of 3.0.
  - To vary the required minimum from 3.0 m to 1.5 m;
- c) Section 13.5.6(f) – The sum of both side yards on a bareland strata lot, where there is no semi-detached housing, shall be 3.0 metres except where a bareland strata lot abuts and internal roadway, the setback shall be a minimum of 3.0 metres from the flanking roadway and the sum of both sideyards shall not be less than 4.5 m.
  - To vary the required minimum to allow for 1.2 m for each side yard setback.

Carried

Councillor Day returned to the Council Chamber at 9:21 p.m.



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7.3 Planning & Corporate Services Department, dated July 16, 2004 re: Development Variance Permit Application No. DVP03-0181 – Kelowna General Hospital Foundation Inc. – 140 Dougall Road

Councillor Clark declared a conflict of interest because he is a member of the Kelowna General Hospital Foundation Board and left the Council Chamber at 9:21 p.m.

Staff:

- The applicant is applying to reduce the requirements of the Subdivision, Development & Servicing Bylaw.
- Approval was received for an addition to the rear of the existing building. That triggered a need for frontage and lane improvements and a shortfall in parking. The applicant submitted the necessary bonding and cash payment in lieu of parking to allow the Development Permit to be issued but made it clear they would be applying for the two variances.
- If the parking variance from 9 stalls to 3 stalls is approved, the cash in lieu payment would be returned to the applicant.

The Acting City Clerk advised that the following correspondence was received:

- letter from Kelly Ross, owner of 540 Board Shop, 400 Highway 33 West
- letter from Robert Gasser, 160 Dougall Road North

both opposed because of concern that there would be a lack of parking and an increase in traffic and traffic congestion.

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

Bob Gasser, 160 Dougall Road North:

- AG Discount (AG) started on Rutland Road in 1971 and 10 years later moved to 160 Dougall Road. Outlined the improvements AG was faced with when they relocated to the current site.
- Concerned that the existing lane on the west side of the existing AG building was acknowledged by the Fire Chief as being necessary yet the lane is not indicated on the map for the subject application.
- Vehicles cut through his parking lot to access Dougall Road and patrons of other businesses in the area are using the AG parking lot instead of the City parking lot, creating a major problem for AG.
- Understand the lane between the subject property and the buildings facing the highway may be closed. Suggest that instead, the lane be paved and signed for quick access to the controlled intersection at Dougall Road and with no parking allowed.
- AG is now a high end business with high end product. If the subject application is approved, then AG would probably have to move the high end part of the business out and go back to discounting.
- Asked that Council deny this application.

Ben Lee, treasurer for the Rutland Hospital Auxiliary (RHA):

- The thrift store raises funds for KGH for medical equipment and facilities not provided by the Province. The thrift store is staffed with volunteers and over the last 10 years they have provided over \$1 million to the community.
- The cash in lieu payment being requested with this application is not needed because the parking lot already exists and is already paid for.
- The City Parking lot has 31 spaces. A parking survey that was done when the subject application was considered and supported by the Advisory Planning Commission (APC) indicated that the lot is never full.

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- Have asked the City's Land Dept. for the lane to be stopped up and closed and for the Foundation to be given an opportunity to purchase the lane. That would allow the parking area for the thrift shop to be expanded to meet parking requirements.
- The former thrift store site was sold in order to be able to purchase the subject property. They were forced to sign the agreement to pay cash in lieu of parking in order to get the required Building Permit and get the construction underway. The Foundation is hoping that the City would give the \$18,000 cash in lieu back along with the \$12,300 in bonding money.

Staff:

- If the lane could be closed and acquired by the Foundation, it would resolve all but the Dougall Road frontage upgrades and no variance would be required.
- Once a decision is made regarding the lane, will report back with an update for Council and a recommendation for funding the road frontage requirements.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R784/04/08/10** THAT further consideration of Development Variance Permit No. DVP03-0181 (KGH Foundation Inc – 140 Dougall Road) be deferred pending a report back from staff that deals with the issues raised regarding closure of the lane.

Carried

Councillor Clark returned to the Council Chamber at 10:19 p.m.

7.4 Planning & Corporate Services Department, dated July 20, 2004 re: Development Variance Permit Application No. DVP04-0053 – Vedanta Educational Society (Vedanta Academy/Mike Guzzi) – 1180 Houghton Road

Staff:

- The Vedanta Academy is a private school. The variances are being requested in order to place four portable classroom buildings along the east property boundary,

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

- Letter from Mr. & Mrs. J. White, 1188 Houghton Road, opposed because congestion from vehicles parking on the street when parents are picking up and dropping off their children would increase as would the amount of litter in the area.

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

Jack White, resident of Harwood Park, 1188 Houghton Road:

- His property is adjacent to the school site.
- Spoke to a member of the Administrative staff at the Academy about cleaning up the site and the parking. Found her to be rude and arrogant.
- The sign to inform the neighbourhood about this application has not been posted on the site for at least the last 3 weeks.
- The Academy needs more parking than what is proposed. The students who drive are likely to park on the street.
- Vehicles parking on the street block visibility exiting Harwood Park.
- Was not aware they were going to have 4 portable buildings.

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Mike Guzzi, applicant:

- The sign got torn down but within 2 hours a new sign was posted.
- Students at the Academy are not allowed off campus during the day or to drive cars to school. There is no busing – the parents drop the children off and then leave. None of the on-street parking issues are as a result of the Academy.
- On-site parking is to accommodate staff only; there are 13 staff. The requested variance is because parking requirements are based on the number of classrooms.
- Two of the portables are already in place, the other two are to come. The additional space would be used mainly for music and computer labs.
- The Academy has agreed to put additional fire protection in the portables and to space the buildings to meeting BC Building Code requirements. The Academy will also be re-landscaping the site.
- The Society is hoping that in two years the Academy will be relocated to the brick building on the former KSS site. All four portables would then be removed from the subject property and the site would either become a school for special needs children under the Vadena banner, or be sold.
- Is willing to put in writing that the request for variances is only for a 2 year period, if required.
- Has written support from all the property owners affected by the variances.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R785/04/08/10** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0053, Lot A, Sec. 27, Twp. 26, ODYD Plan KAP71175, located at 1180 Houghton Road, Kelowna, B.C:

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

**Section 8.1.2 – Number of Off-Street Vehicle Parking Spaces**

Vary the number of spaces required, allowing 11 parking stalls where 27 are required, as it relates to the placement of portable classrooms pursuant to this application;

**Section 16.2.5 (e) – Development Regulations**

Vary the minimum side yard setback to portables from 4.5 m required to 1.0 m proposed, as it relates to the placement of portable classrooms pursuant to this application;

AND THAT the variances recommended by this report shall only apply for the purpose of locating portable classrooms.

Carried

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

Bylaw No. 9261 (Z04-0028) – Isha Blue (Peter Chataway) – 822 Lawrence Avenue

Moved by Councillor Horning/Seconded by Councillor Given

**R786/04/08/10** THAT Bylaw No. 9261 be adopted.

Carried

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- (b) Planning & Corporate Services Department, dated June 10, 2004 re: Development Variance Permit Application No. DVP04-0060 – Isha Blue (Peter Chataway) – 822 Lawrence Avenue

Staff:

- The dwelling on the site is being renovated for use as a boarding house.
- The variance is requested to address a non-conforming setback.

The Acting City Clerk advised that no correspondence or petitions had been received.

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

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R787/04/08/10** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0060; Lot 42, Block 15, DL 138, ODYD Plan 262 located on Lawrence Avenue, Kelowna, B.C.;

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

**Section 13.6.6 (d) – RU6 Two Dwelling Housing – Development Regulations:**

Vary the side yard setback from 2.3 m required to 1.54 m existing.

Carried

- 7.6 Planning & Corporate Services Department, dated June 30, 2004 re: Development Variance Permit Application No. DVP04-0061 – Nelson Dale Brooks (H. Benson Electrical /Harvey Benson) – 1280-1282 Gordon Drive

Staff:

- The site is on the corner of Cawston Avenue and Gordon Drive with a rear lane to the north.
- The intent is to develop the site with a duplex, oriented from Gordon Drive but with vehicular access from both the road and the lane.

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

Harvey Benson, applicant:

- The variance triggers costs for frontage upgrades on Cawston Avenue that make no sense at this time.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R788/04/08/10** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0061; Lot 2, DL 138, ODYD Plan 3649, located on Gordon Drive, Kelowna, B.C.;

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

**Section 13.6.7(f): Two Dwelling Housing: Other Regulations:**

To vary the rear lane vehicular access requirement to allow parking access from Cawston Avenue.

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**R789/04/08/10** THAT in dealing with Development Variance Permit Application No. DVP04-0061 (Harvey Benson – 1280-1282 Gordon Drive) cash in lieu be considered for the Cawston Road frontage upgrades rather than taking bonding and having the work performed.

Carried8. BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**

8.1 Bylaw No. 9282 (Z04-0042) – Jim Gretzinger (Serko Property Service) – 1703 Lynrick Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R790/04/08/10** THAT Bylaws No. 9282, 9283, 9284 and 9286 be read a first time.

Carried

8.2 Bylaw No. 9283 (OCP04-0004) – James & Linda Knight, Gerald & Delores Dignan, Daryl, Johnny, Danny & Lynette McLean, Jamie Davies and David & Charles Ross (Coast Architectural Group/Kevin Ryan) – 2901-2975 Abbott Street and 408-416 Groves Avenue **Requires majority vote of Council (5)**

See resolution adopted under 8.1 above.

Council:

- A neighbour has submitted a letter asking that the Public Hearing for this application be delayed to after September 7<sup>th</sup> so that she can be at the meeting.
- Agreed that the process cannot be delayed because one person cannot be at the meeting.

8.3 Bylaw No. 9284 (Z04-0010) – James & Linda Knight, Gerald & Delores Dignan, Daryl, Johnny, Danny & Lynette McLean, Jamie Davies and David & Charles Ross (Coast Architectural Group/Kevin Ryan) – 2901-2975 Abbott Street and 408-416 Groves Avenue

See resolution adopted under 8.1 above.

8.4 Bylaw No. 9286 (Z04-0037) – Rob Joyal & Bill Ferguson – 2490 Richter Street

See resolution adopted under 8.1 above.

9. REMINDERS – Nil.

Regular Meeting

August 10, 2004

10. TERMINATION

The meeting was declared terminated at 10:55 p.m.

Certified Correct:

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Mayor

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Acting City Clerk

BLH/am