

Regular MeetingJune 14, 2005

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, June 14, 2005.

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, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; 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 7:13 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Public Hearing, May 24, 2005
Regular Meeting, May 24, 2005
Regular Meeting, May 30, 2005

Moved by Councillor Hobson/Seconded by Councillor Day

R569/05/06/14 THAT the Minutes of the Regular Meetings of May 24 and May 30, 2005 and the Minutes of the Public Hearing of May 24, 2005 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

5.1 Bylaw No. 9424 (Z05-0026) – Ronald Rutledge – 405 Dougall Road

Moved by Councillor Blanleil/Seconded by Councillor Day

R570/05/06/14 THAT Bylaw No. 9424 be read a second and third time.

Carried

Regular MeetingJune 14, 20056. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENSE APPLICATIONS6.1 Planning & Corporate Services Department, dated May 3, 2005 re: Liquor Licensing Application No. LL05-0001 – 622623 BC Ltd. – 150 Highway 33 West

Staff:

- The applicant is seeking Council's support to change the liquor license for North Forty Saloon to allow an outdoor patio area with a capacity of 36.
- Staff recommend the hours of liquor service on the patio be restricted to 9 a.m. to 11 p.m., seven days per week. This is consistent with the staff recommendation for all other licensed outdoor patios. However, the noise impact is less of a concern from the subject property because there are no residential properties in close proximity.
- The applicant would like the hours for liquor service on the patio to be 9 a.m. to 2 a.m.

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

Keith Wilson, applicant:

- There is currently no place in Rutland where people can eat after 11 p.m. Wants to be able to offer food. Most customers do not come in until 10 p.m. to 10:30 p.m. Would not be able to offer food service on the patio if it had to be closed at 11 p.m. Would have applied for an addition instead of a patio had he known the hours were going to be an issue.
- Would like to operate the patio the same hours as the rest of the club.
- The patio would be covered with sliding glass on the sides to block out noise and the northerly wind. There would be no speakers on the patio.
- Parking is not an issue.
- Has signed a Good Neighbour agreement with the City, and lived up to the terms of the agreement.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R571/05/06/14 THAT Council support a change to the liquor primary license to allow a capacity increase of 36 persons on the patio area on Lot 1, Section 26, Township 26, Plan 2073, ODYD except plan 15675 proposed by Keith Wilson of North Forty Saloon for 150 Highway 33 West;

AND THAT the hours of liquor service on the patio be restricted to 9 a.m. to 2 a.m., 7 days per week, subject to the patio being enclosed with sliding glass and there being no outdoor sound amplification;

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

Carried

Regular MeetingJune 14, 20057. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS7.1 Planning & Corporate Services Department, dated May 9, 2005 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 was on the Board of Directors for the Hospital Foundation when they first considered relocating the thrift store to the subject property, and left the Council Chamber at 7:35 p.m.

Staff:

- Last August Council considered an application for two variances for the subject property: to vary the frontage and lane improvements; and to vary the number of parking stalls from 9 to 3. At that time, staff were directed to investigate closing the lane and selling the property to the applicant for consolidation, thus eliminating the need for lane upgrading. This has been initiated but is not yet concluded.
- Suggest Council deal with the variance for the Dougall Road frontage improvements and defer the lane upgrade and parking variance. Assuming the lane is consolidated with the Foundation's property, those two variances would be eliminated.

Ben Lee, member of Hospital Auxiliary and representing the KGH Foundation:

- An agreement has been signed by the director of KGH to acquire the lane and they have already improved the lane putting in underground wiring, drainage, paving, etc. The lane would be consolidated with their site allowing them to have parallel parking for the thrift store operation on one side of the lane and the other side would be a drive aisle.
- Showed photos of the property to show the lane and the Dougall Road frontage.

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

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R572/05/06/14 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0181, Lot 4, Sec. 26 Twp. 26 ODYD, Plan 5494, located at 140 Dougall Road, Kelowna, B.C.;

AND THAT a variance to the following section of the Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

Section 9.3 – Required Works and Services

- Vary the requirement to complete frontage improvements directly attributable to the development, such that they not be required;

AND FURTHER THAT further consideration of the requested variance to Section 8.1.2 of Zoning Bylaw No. 8000 to reduce the parking requirement be deferred.

Carried

Councillor Clark returned to the Council Chamber at 7:54 p.m.

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7.2 Planning & Corporate Services Department, dated Maya 9, 2005 re: Heritage Alteration Permit Application No. HAP05-0005 – Josephine Hessels and Eric Torstensen (RCI Interior Developments) – 1930-1938 Abbott Street

Staff:

- Showed photos of the subject property noting it is located on the corner of Vimy and Abbott. The site is developed with a 2-storey main dwelling, a cottage that has been improved as a carriage house, a one car garage, and a small carport. Also showed photos of other houses in the immediate area.
- The Heritage Alteration Permit (HAP) is requested to allow for a proposed garage addition to the primary dwelling unit. A variance would be required to reduce the minimum setback requirement between the primary dwelling and the accessory building in order to allow for the garage addition.
- The Community Heritage Commission does not recommend support, preferring that the double car garage be built in the same location as the existing garage.
- Staff do not recommend support for the HAP or the included variance because the location of the proposed addition is not consistent with development guidelines. However, while there appears to be other options for the garage addition on-site, none appear to meet the objectives of the applicants who are seeking to further enclose the rear yard in order to create a safer play area for their children.

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

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

Jeff Robinson, RCI Interior Developments:

- There is no other workable location for the double car garage that would also allow the owners to create the back yard they want in order to provide a safe play area for their family.
- The applicants also want to add a bathroom onto the main floor of the house. Putting the new garage in the rear would not facilitate the washroom on the main floor of the house.
- The existing porch on the carriage house would not be totally removed; just enough would be removed to provide a suitable setback for what is proposed.
- The owners have made every effort to ensure that everything would enhance not detract from what exists.
- The existing single vehicle garage would be removed.

Eric Torstensen, applicant:

- There is a large mature tree they would like to retain; the tree would have to go to accommodate the garage in the other location.
- Wants to enhance what is there and make it more livable, safe and secure for their children.
- Have done what they can to minimize the impact on the appearance. The principal dwelling is tall and the proposed garage addition and the cottage is low. The proposed addition would help even that out.
- They have agreed to some foliage changes and use of a heritage-type door on the garage.
- Would like to do the bathroom addition along with building the proposed garage.

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John Skelton, 247 Vimy Avenue:

- His property is adjacent, to the west toward the lake.
- Supports this application. What the applicants have proposed is the best solution. If the applicant put a garage on Vimy it would stick right out to the property line. Most people, including himself, would be upset to see the large tree removed to accommodate the garage.
- Council should consider the needs of the family and understand that the applicants are restricted in what they can do to have proper parking because of no lane access.
- These folks are great neighbours and the property is beautifully landscaped.
- Would rather hear children playing in the back yard than the sound of traffic on Abbott Street.

Jeanette Mergens, 1922 Abbott Street:

- The proposed garage would not be as far forward as her house which encroaches heavily on the sidewalk.
- Supports the subject application.

Josie Hessels, applicant:

- The family moved to Kelowna two years ago before the Abbott Street recreational corridor evolved, adding people and recreation to the already busy street. Abbott is a freeway corridor to the bridge; there is a lot of traffic and the lineups often extend past their house. Thought Vimy would be a quiet street but there is a lot of traffic there too and a lot of squealing tires.
- They want to keep their children away from all the traffic and they need a mainfloor bathroom.
- They love the area and want the place to be livable and attractive.

Moved by Councillor Given/Seconded by Councillor Blanleil

R573/05/06/14 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP05-0005; for that part Lot 9, shown on Plan B2020, District Lot 14, ODYD Plan 1782, located on Abbott Street, 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";

AND THAT staff ensure the drawings reflect a heritage style garage door;

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

Section 13.1.7(c):

- Vary the setback between the principal building and the accessory building containing the secondary suite from 5.0 m required to 3.5 m proposed;

AND FURTHER THAT the applicant be required to provide a corner rounding dedication of 6 m radius at the intersection of Abbott Street and Vimy Avenue.

Carried

Councillor Shepherd opposed.

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8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 8:34 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk