

Regular MeetingAugust 9, 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, August 9, 2005.

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; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; and Recording Secretary, I. Tilstra.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:16 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, July 25, 2005

Public Hearing, July 26, 2005

Regular Meeting, July 26, 2005

Moved by Councillor Day/Seconded by Councillor Given

R762/05/08/09 THAT the Minutes of the Regular Meetings of July 25 and July 26, 2005 and the Minutes of the Public Hearing of July 26, 2005 be confirmed as circulated.

Carried

4. Councillor Day 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. 9457 (Z05-0025) - Tarcisio & Angelina Niccoli (Hans Neumann) – 3920 Bluebird Road

Councillor Day declared a conflict of interest on the grounds that he owns property within the notification area and excused himself from the Council Chambers at 10:18 p.m.

Moved by Councillor Given/Seconded by Councillor Shepherd

R763/05/08/09 THAT Bylaw No. 9457 be read a second and third time.

Carried

NOTE: Bylaw 9457 was also adopted – see first item under Section 7 of the minutes.

Councillor Day returned to Council Chambers at 10:19 p.m.

Regular Meeting

August 9, 2005

- 5.2 Bylaw No. 9464 (Z05-0017) - Kee Sing & Mei Low (Protech Consultants)
– 1277 Houghton Road

Moved by Councillor Given/Seconded by Councillor Shepherd

R764/05/08/09 THAT Bylaw No. 9464 be read a second and third time.

Carried

- 5.3 Bylaw No. 9467 (TA05-0007) – CD18 – Vintage Landing Comprehensive Resort Development Zone

Moved by Councillor Given/Seconded by Councillor Cannan

R765/05/08/09 THAT debate on Bylaw Nos. 9466, 9467 and 9468 be deferred to the August 22, 2005 Council meeting in order that all members of Council may participate.

Carried

- 5.4 Bylaw No. 9468 (Z03-0009) - 622664 BC Ltd., et al (Bob Evans and Grant Gaucher) – 1890 McKinley Road, end of Slater Road & West of Slater Road, 4001 & 3650 Finch Road, and Part of 2702 & 3650 Glenmore Road North

See resolution adopted under agenda Item 5.3.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.5 Bylaw No. 9466 (OCP03-0002) – Vintage Landing Area Structure Plan
Requires majority vote of Council (5)

See resolution adopted under agenda Item 5.3.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9462 (Z05-0032) - Phillip & Gerti Bachmann –
3753 East Kelowna Road

Moved by Councillor Given/Seconded by Councillor Horning

R766/05/08/09 THAT Bylaw No. 9462 be adopted.

Carried

Regular MeetingAugust 9, 2005

- (b) Planning & Corporate Services Department, dated July 15, 2005 re: Development Variance Permit Application No. DVP05-0078 – Phillip and Gerti Bachmann – 3753 East Kelowna Road

Staff:

- The requested variances are required to accommodate the conversion of an existing building.
- As the floor plan makes it difficult to isolate the lofted studio area, the applicant is requesting a suite area twice the usual allowable floor area.
- Staff have no concerns with the variances other than that for the floor area, as the building fits well within the neighbourhood.
- Staff are unable to support a variance of the requested size.

The City Clerk advised that no correspondence relating to this application had been received.

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

Applicant:

- Indicated she had nothing to add at this time.

There were no further comments.

Moved by Councillor Day/Seconded by Councillor Hobson

R767/05/08/09 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0078 for Lot A, Section 14 Township 26 O.D.Y.D. Plan KAP72697, located on East Kelowna Road, Kelowna, B.C.;

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

Section 9.5.1(a) – Secondary Suites (Maximum Height)

Vary the maximum height, which is the lesser of 4.5 m or the height of the existing principal dwelling unit, to allow a height of 5.6 m;

Section 9.5.10 – Secondary Suites (Attached Garage or Carport)

Vary the requirement to include a garage or carport for a minimum of one vehicle, such that no covered parking be required for the secondary suite;

Section 9.5.4 – Secondary Suites (Maximum Floor Area)

Vary the maximum floor area for a secondary suite, which is the lesser of 90 m² or 75% of the total floor area of the principal building, to allow a secondary suite with a floor area of 164 m².

Carried

Regular MeetingAugust 9, 20056A. DEVELOPMENT APPLICATIONS – ITEM DEFERRED AT AUGUST 8TH, 2005
REGULAR MEETING6A.1 Rezoning Application No. Z05-0049 – Aberdeen Holdings Ltd (716309 BC
Ltd) – 2355-2395 Gordon Drive (BL9476)

- (a) Planning & Corporate Services report dated July 26, 2005.

Staff:

- The applicant has agreed to remove the patio from the proposal and has also agreed to 'spot zoning' if necessary – limiting the liquor primary designation to the specific site intended for the restaurant.
- Even if liquor primary zoning were granted for the entire development, each individual liquor primary application would appear before Council, at which time consideration could be given in light of the policies arising from the Mayor's Entertainment District Task Force.
- Additional spot zoning is possible should it be deemed appropriate.
- There is one entrance on the east of the site and one to the north, adjacent to residential.
- The proposed liquor primary license is not tied to any other license within the commercial development.

Council:

- Suggested that the applicant work with neighbours to mitigate concerns about parking and access to the restaurant.

Moved by Councillor Hobson/Seconded by Councillor Day

R768/05/08/09 THAT Rezoning Application No. Z05-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B, DISTRICT LOT 136, ODYD PLAN KAP46155, located on Gordon Drive, Kelowna, B.C. from the C3RLS – Community Commercial (Retail Liquor Sales) zone to the C3RLS/LP – Community Commercial (Retail Liquor Sales/Liquor Primary) zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final approval be withheld pending Council's consideration of a liquor license application.

Carried

Councillor Clark opposed

BYLAW PRESENTED FOR FIRST READING

- (b)
- Bylaw No. 9476 (Z05-0049)
- Aberdeen Holdings Ltd (716309 BC Ltd) – 2355-2395 Gordon Drive

Moved by Councillor Day/Seconded by Councillor Cannan

R769/05/08/09 THAT Bylaw No. 9476 be read a first time.

Carried

Councillor Clark opposed

Regular MeetingAugust 9, 20057. BYLAWS**(BYLAWS PRESENTED FOR ADOPTION)**

The City Clerk advised that Bylaw No. 9457, which was given 2nd and 3rd readings under Agenda Item 5.1 should have been on the agenda for adoption consideration as well.

- 5.1 Bylaw No. 9457 (Z05-0025) - Tarcisio & Angelina Niccoli (Hans Neumann) – 3920 Bluebird Road

Councillor Day declared a conflict of interest on the grounds that he owns property within the notification area and excused himself from the Council Chambers at 10:41 p.m.

Moved by Councillor Given/Seconded by Councillor Shepherd

R771/05/08/09 THAT Bylaw No. 9457 be adopted.

Carried

Councillor Day returned to Council Chambers at 10:42 p.m.

- 7.1 Bylaw No. 9204 – Road Closure and Removal of Highway Dedication Bylaw – Walkway off Maranda Court.

Moved by Councillor Day/Seconded by Councillor Cannan

R772/05/08/09 THAT Bylaw No. 9204 be adopted.

Carried

- 7.2 Bylaw No. 9445 – A bylaw to change the name of a portion of Benvoulin Road east of Cooper Road and west of Dilworth Drive

Moved by Councillor Cannan/Seconded by Councillor Day

R773/05/08/09 THAT Bylaw No. 9445 be adopted.

Carried

- 7.3 Bylaw No. 9470 – A bylaw to change the name of a portion of Guisachan Road and Byrns Road

Moved by Councillor Day/Seconded by Councillor Cannan

R774/05/08/09 THAT Bylaw No. 9470 be adopted.

Carried

- 7.4 Bylaw No. 9474 – Amendment No. 1 to Kelowna Development Cost Charge Bylaw No.9095

Moved by Councillor Day/Seconded by Councillor Cannan

R775/05/08/09 THAT Bylaw No. 9474 be adopted.

Carried

Regular Meeting

August 9, 2005

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 10:46 p.m.

Certified Correct:

Mayor

City Clerk

IT/am