

Regular MeetingSeptember 6, 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, September 6, 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 and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; 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 9:31 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, August 22, 2005
Public Hearing, August 23, 2005
Regular Meeting, August 23, 2005

Moved by Councillor Given/Seconded by Councillor Hobson

R821/05/09/06 THAT the Minutes of the Regular Meetings of August 22 and 23, 2005 and the Minutes of the Public Hearing of August 23, 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 AND ADOPTION)

5.1 Bylaw No. 9480 (OCP05-0009) – R A Quality Homes Ltd. (Tony Kuhn Kuhn) – 632 Craig/Lacombe Road

Councillor Cannan declared a conflict of interest because the applicant is financial agent for his federal election campaign and left the Council Chamber at 9:33 p.m.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R822/05/09/06 THAT Bylaw No. 9480 be read a second and third time, and be adopted.

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- 5.2 Bylaw No. 9481 (Z05-0023) – R A Quality Homes Ltd. (Tony Kuhn Kuhn)
– 632 Craig/Lacombe Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R823/05/09/06 THAT Bylaw No. 9481 be read a second and third time, and be adopted.

Carried

Councillor Cannan returned to the Council Chamber at 9:35 p.m.

Mayor Gray altered the order of business and advised that the bylaw under agenda item No. 6.1(b) would be brought forward for second and third reading consideration at this time.

- 6.1 (b) **(BYLAW PRESENTED FOR SECOND & THIRD READINGS)**

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

Moved by Councillor Shepherd/Seconded by Councillor Given

R824/05/09/06 THAT Bylaw No. 9476 be **DEFEATED** at second reading.

Carried

6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENSE APPLICATIONS

- 6.1 (a) Planning & Corporate Services Department, dated July 28, 2005, re: Liquor Licensing Application No. LL05-0013 – Aberdeen Holdings Ltd. (716309 BC Ltd.) – 2355-2395 Gordon Drive

Not applicable.

- (b) **(BYLAW PRESENTED FOR ADOPTION)**

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

Not applicable.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS – **Council consideration deferred from the August 23/05 Regular Meeting.**

- 7.1 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9105 (Z02-1052) – Okanagan Manufacturer's BC Ltd. (new owner) - (Grant Maddock/Protech Consultants) – 3732 Highway 97 North

Moved by Councillor Day/Seconded by Councillor Hobson

R825/05/09/06 THAT Bylaw No. 9105 be adopted.

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- (ii) Bylaw No. 9301 (Z04-0045) - Okanagan Manufacturer's BC Ltd. (Grant Maddock/Protech Consultants Ltd.) – 3724 Highway 97 North

Moved by Councillor Hobson/Seconded by Councillor Day**R826/05/09/06** THAT Bylaw No. 9301 be adopted.Carried

- (b) Planning & Corporate Services Department, dated July 20, 2005 re: Development Permit Application No. DP05-0108 and Development Variance Permit Application No. DVP05-0109 – Okanagan Manufacturer's BC Ltd. (Protech Consultants Ltd.) – 3724 & 3732 Highway 97 North

Staff:

- The properties have been looked at for redevelopment for about 15 years. The problem has been accommodating development around the riparian management along Mill Creek and the way the creek meanders through the site.
- Through the environmental consultant and the Ministry of Environment, an averaging process has been agreed on to align a road reserve through the property for future road connection up toward Sexsmith Road. Within that road alignment there are areas that exceed the 30 m setback and areas that are as little as 5 m.
- The issue on this site has always been the development in relation with Mill Creek and staff are satisfied that has been addressed.

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 variance to come forward.

There was no response.

Moved by Councillor Hobson/Seconded by Councillor Day

R827/05/09/06 THAT Council authorize the issuance of Development Permit No. DP05-0108 for Parcel A (DD118746F & Plan B5762) of Lot 2, Sec. 35, Twp. 26, ODYD, Plan 2980 Except Plan H8110 and Lot 1, Sec. 35, Twp. 26, ODYD, Plan 3993, except Plans 4410 and H8110 located on Highway 97 North, 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;

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AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0109; A (DD118746F & Plan B5762) of Lot 2, Sec. 35, Twp. 26, ODYD, Plan 2980 Except Plan H8110 and Lot 1, Sec. 35, Twp. 26, ODYD, Plan 3993, except Plans 4410 and H8110 located on Highway 97 North, Kelowna, B.C.;

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

Section 6.14: Riparian Management Area (RMA) Setbacks: 6.14.1:

- Vary the riparian management area setback from 30 m required to a minimum of 5 m proposed as shown on Schedule "A" attached to this permit subject to the recommendations found in the Environmental Impact Assessment report by Summit Environmental Consultants dated July 2005;

AND FURTHER 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

8. BYLAWS

(BYLAW PRESENTED TO RESCIND FIRST READING AND CLOSE THE FILE)

- 8.1 Bylaw No. 9477 (Z05-0034) - Mark Brebric (Bevanda Architecture Inc.) – 454 & 464 West Avenue (**application withdrawn by the applicant**)

Moved by Councillor Given/Seconded by Councillor Shepherd

R828/05/09/06 THAT first reading given Bylaw No. 9477 (Z05-0034 – Brebric – West Avenue) on August 8, 2005 under Resolution No. R753/05/08/08 be rescinded and the file closed.

Carried

(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING)

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

Moved by Councillor Given/Seconded by Councillor Shepherd

R829/05/09/06 THAT Bylaw No. 9474 be amended at third reading to add a clause 6, as follows:

- "6. This bylaw shall be cited for all purposes as Bylaw No. 9474, being Amendment No. 1 to Kelowna Development Cost Charge Bylaw No. 9095."

Carried

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- 8.3 Bylaw No. 9346 (HRA04-0003) - School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North

Moved by Councillor Shepherd/Seconded by Councillor Given

R830/05/09/06 THAT final adoption of Bylaw No. 9346 (HRA04-0003 – 780 Rutland Road North) given on March 21, 2005 under Resolution No. R263/05/03/21 be rescinded.

CarriedMoved by Councillor Shepherd/Seconded by Councillor Given

R831/05/09/06 THAT Bylaw No. 9346 be adopted.

Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.4 Bylaw No. 9427 – Road Closure Bylaw – Lane Between Bernard Avenue and Lawson Avenue

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

Moved by Councillor Cannan/Seconded by Councillor Day

R832/05/09/06 THAT Bylaw No. 9427 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Cannan

R833/05/09/06 THAT Bylaw No. 9464 be adopted.

Carried9. REMINDERS

- Staff to investigate complaints raised at tonight's Public Hearing on the Aberdeen pub application, about residents in the adjacent residential development using the easterly road access to the Guisachan Village Shopping Centre as a short-cut to access Gordon Drive; and other short-cutting down neighbourhood streets (i.e. Wilkinson) that may be causing problems for the residents of the area as a result of the Guisachan/Burtch Road reconfiguration.

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10. TERMINATION

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

Certified Correct:

Mayor

City Clerk

BLH/am