

Regular MeetingDecember 13, 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, December 13, 2005.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy 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 Shepherd called the meeting to order at 7:24 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, November 28, 2005
Public Hearing, November 29, 2005
Regular Meeting, November 29, 2005
Statutory Inaugural Meeting, December 5, 2005

Moved by Councillor Given/Seconded by Councillor Hobson

R1220/05/12/13 THAT the Minutes of the Regular Meetings of November 28 and 29, 2005 and the Minutes of the Public Hearing of November 29, 2005 and the minutes of the Statutory Inaugural Meeting of December 5, 2005 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 9529 (Z05-0067) - Dilworth Shopping Centre Ltd. (Rising Tide Consultants Ltd.) - 2339-2397 Highway 97 North

Moved by Councillor Blanleil/Seconded by Councillor Day

R1221/05/12/13 THAT Bylaw No. 9529 be read a second and third time.

Carried

Councillor Given opposed.

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- 6.1 Planning & Corporate Services Department, dated November 15, 2005, re: Liquor Licensing Application No. LL05-0018 – Schultzco Holdings Ltd. (Peter & Susan Schultz) – 353 Bernard Avenue

Staff:

- Doc Willoughby's is currently a liquor primary establishment with a small licensed liquor store. The owner has entered into a partnership to relocate the retail liquor store (rls) component of the operation to the Dilworth Shopping Mall.
- Doc Willoughby's is proposing to use the vacated space for additional seating capacity (19 seats).

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

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

Peter Schultz, applicant:

- Relocation of the liquor store will put space that used to be pub back into pub use.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Given

R1222/05/12/13 THAT Council support a person capacity increase triggered by a structural alteration for the liquor primary license of Doc Willoughby's Downtown Grill from 131 persons existing to 150 persons proposed on Lot 9, Block 14, District Lot 139, ODYD, Plan 462 except the east 15 feet thereof, for 353 Bernard Avenue;

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

Carried7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

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

Bylaw No. 9451 (Z05-0024) - VE Properties (Water Street Architecture) – 3295 Lakeshore Road

Moved by Councillor Hobson/Seconded by Councillor Day

R1223/05/12/13 THAT Bylaw No. 9451 be adopted.

Carried

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- 7.1 (b) Planning & Corporate Services Department, dated November 18, 2005 re: Development Permit Application No. DP05-0080 and Development Variance Permit Application No. DVP05-0058 – VE Properties (Water Street Architecture) – 3295 Lakeshore Road

Staff:

- The applicant is proposing to redevelop the site with a 3-storey commercial building with parking at the rear. An elevated portion across the front of the building would create an archway with a driveway underneath to access the parking area.

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

- letter from Dr. Goplen, 3220 Richter Street, expressing concern that there is already inadequate parking and inadequate parking is also proposed for this project.

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

Domenic Rampone, president of family company doing this project:

- The proposed development meets parking requirements for the zoning.

There were no further comments.

Moved by Councillor Given/Seconded by Councillor Letnick

R1224/05/12/13 THAT Council authorize the issuance of Development Permit No. DP05-0080 for Lot 2, D.L. 14, ODYD, Plan 42579 located on Lakeshore 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 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0058; for Lot 2, D.L. 14, ODYD, Plan 42579 located on Lakeshore Road, Kelowna, B.C.;

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

Section 8.1.10 (c) – Parking and Loading

A variance to allow off-street parking to be located with a setback of 0.0 m to a street where 2.0 m is required.

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

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- 7.2 Planning & Corporate Services Department, dated October 12, 2005 re: Development Permit Application No. DP05-0065 and Development Variance Permit Application No. DVP05-0173 – Rodger Hazard (Paul Nesbitt/Nesbitt Originals) – 208 Poplar Point Drive

Withdrawn by applicant.

- 7.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9268 (Z04-0013) - 672499 BC Ltd (Don Lloyd) – 3690 Gordon Drive

Moved by Councillor Blanleil/Seconded by Councillor Day

R1225/05/12/13 THAT Bylaw No. 9268 be adopted.

Carried

- (b) Planning & Corporate Services Department dated December 7, 2005 re: Development Permit Application No. DP05-0160 – 672499 BC Ltd. (Don Lloyd) – 3690 Gordon Drive

Staff:

- Showed the general site plan indicating four buildings around the periphery of the site and a common amenity building. Access would be off Casorso Road for now. When the road is opened between Casorso and Barnes Avenue the main access will be from Mission Springs Drive.
- The proposed buildings have been designed to maximize the open space between the subject property and the Missionwood Retirement Home on the adjacent property to the north even though the two properties are not in common ownership.
- Underground parking is proposed below all four of the buildings and the applicant has committed that the fourth building would be last in their phasing plan, and as building phasing occurs to try to put more parking underground and free up more open space.
- Originally the applicant wanted to develop the site with a 12-storey building which would have freed up more open space and allowed for some townhouses. However, that was opposed by residents to the south and north and the option of going up was traded off for having more green space and a development more consistent with the existing neighbourhood. The proposed development would achieve the same number of units.
- The development meets all requirements of the Zoning Bylaw.

Regular MeetingDecember 13, 2005Moved by Councillor Blanleil/Seconded by Councillor Day

R1226/05/12/13 THAT Council authorize the issuance of Development Permit No. DP05-0160 for Lot A, D.L. 134 O.D.Y.D. Plan KAP56005, located on Gordon Drive, 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. The landscaping 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. The Applicant make the appropriate arrangements with Telus for the easement and walk-in cabinet as required.

Carried

Councillor Hobson opposed. (reconsidered – see minutes after item No. 7.4).

- 7.4 Planning & Corporate Services Department, dated November 15, 2005 re: Development Variance Permit Application No. DVP05-0186 – Beverly Rein (Douglas Rein) – 2170 Wilkinson Street

Staff:

- There is an existing garage attached to the single family dwelling. The garage is at a non-conforming setback. The applicant is proposing to add studio space above the garage and that triggers a variance to the side yard setback. The studio would not be closed off from the rest of the house and no services would be provided that could constitute a suite.
- The applicant has provided a letter of support from the property owner to the south.

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

Moved by Councillor Given/Seconded by Councillor Letnick

R1227/05/12/13 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0186 for property located at 2170 Wilkinson Street and legally described as:

Parcel Identifier: 002-888-068 Lot A Section 19 Township 26 Osoyoos
Division Yale District Plan 35197;

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

Section 13.2: RU2 – Medium Lot Housing: 13.2.6(d):

Vary the required side yard setback from 1.8 m to 1.56 m to accommodate a proposed addition above the garage of an existing single family dwelling.

Carried

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Mayor Shepherd permitted this item to be reconsidered for Council to receive additional information relevant to the application.

- 7.3 (b) Planning & Corporate Services Department dated December 7, 2005 re: Development Permit Application No. DP05-0160 – 672499 BC Ltd. (Don Lloyd) – 3690 Gordon Drive

Staff:

- The applicant for this application was waiting for the owners to come forward and they were late getting to the meeting.
- For Council's information, the owners have agreed to include some more underground parking between building four and building two. This will be reflected in the site plan that will form part of the Development Permit.

Moved by Councillor Blanleil/Seconded by Councillor Day

R1228/05/12/13 THAT Council authorize the issuance of Development Permit No. DP05-0160 for Lot A, D.L. 134 O.D.Y.D. Plan KAP56005, located on Gordon Drive, 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. The landscaping 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. The Applicant make the appropriate arrangements with Telus for the easement and walk-in cabinet as required.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 8:05 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am