

Regular MeetingAugust 8, 2006

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 8, 2006.

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

Council members absent: Councillors B.D. Given and M.J. Rule.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Acting Director of Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; Development Planner, N. Wight*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:54 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, July 24, 2006
Public Hearing, July 25, 2006
Regular Meeting, July 25, 2006

Moved by Councillor Day/Seconded by Councillor Hobson

R780/06/08/08 THAT the Minutes of the Regular Meetings of July 24 and July 25, 2006 and the Minutes of the Public Hearing of July 25, 2006 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 AND THIRD READINGS)

5.1 Bylaw No. 9639 (Z05-0043) - 0740639 BC Ltd. (Lynn Welder Consulting)
– 153 Pinto Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R781/06/08/08 THAT Bylaw No. 9639 be read a second and third time.

Carried

Regular Meeting

August 8, 2006

5.2 Bylaw No. 9643 (Z06-0017) – Alfred Kuschat – 610 Bell Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R782/06/06/06 THAT Bylaw No. 9643 be read a second and third time.

Carried

Councillors Clark and Gran opposed.

5.3 Bylaw No. 9640 (Z05-0077) - MacLean Homes (New Town Architecture)
– 3416 Scott Road

Mayor Shepherd declared a conflict of interest because her husband is part owner of a property that is in close proximity to the subject property and left the Council Chamber at 8:56 p.m.

Deputy Mayor Hobson assumed the Chair.

Council:

- Staff to reconsider the requirement to link the existing lane abutting this development with Patsy Road and consider allowing access from both Patsy and Scott Roads versus from a single access off Scott.

Moved by Councillor Clark/Seconded by Councillor Letnick

R783/06/08/08 THAT Bylaw No. 9640 be read a second and third time.

Carried

Councillor Clark opposed.

Mayor Shepherd returned to the Council Chamber at 9:05 p.m. and resumed the Chair.

5.4 Bylaw No. 9641 (OCP06-0011) – Corey Knorr Construction Ltd. (Serko Property Services) – 150, 158, 166, 174 McCurdy Road East **requires majority vote of Council (5)**

Moved by Councillor Gran/Seconded by Councillor Clark

R784/06/08/08 THAT Bylaw No. 9641 be read a second and third time.

Carried

5.5 Bylaw No. 9642 (Z06-0026) - Corey Knorr Construction Ltd. (Serko Property Services) – 150, 158, 166, 174 McCurdy Road East

Moved by Councillor Gran/Seconded by Councillor Clark

R785/06/08/08 THAT Bylaw No. 9642 be read a second and third time.

Carried

Regular Meeting

August 8, 2006

- 5.6 Bylaw No. 9644 (Z06-0025) - IBJ Holdings Ltd. (Bernie Kvamme) – 270 Merrifield Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R786/06/08/08 THAT Bylaw No. 9644 be read a second and third time.

Carried

Mayor Shepherd and Councillors Clark and Gran opposed.

- 5.7 Bylaw No. 9646 (OCP05-0015) - Witmar Developments Ltd. (Witmar Holdings) – 1459 & 1469 KLO Road **Requires majority vote of Council (5)**

Withdrawn from the agenda.

- 5.8 Bylaw No. 9647 (Z05-0066) - Witmar Developments Ltd. (Witmar Holdings) – 1459 & 1469 KLO Road

Withdrawn from the agenda.

- 5.9 Bylaw No. 9634 (LUC06-0001) - John & Joyce Madsen (John Madsen) – 600-602 Bolotzky Court

Moved by Councillor Hobson/Seconded by Councillor Day

R787/06/08/08 THAT Bylaw No. 9634 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

- 5.10 Bylaw No. 9645 (Z05-0083) - 0714422 BC Ltd. (John Hickey/Acorn Communities Ltd.) – 1342 Shaunna Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R788/06/08/08 THAT Bylaw No. 9645 be amended at first reading to exclude the RU2 – Medium Lot Housing component from Section 1 and from the attached Map “A” so that the bylaw includes only the portion of Lot C, Sec. 18, Twp. 27, ODYD Plan 32142 that is being rezoned to RU5 – Bareland Strata Housing.

Carried

Moved by Councillor Hobson/Seconded by Councillor Day

R789/06/08/08 THAT Bylaw No. 9645, as amended, be read a second and third time and be adopted.

Carried

Council:

- Staff to initiate a rezoning application for the RU2 zoning request on behalf of the applicant at City expense.
- Approving Officer to inform Council of the outcome of the geotechnical assessment on the ability to achieve a buildable area for the five RU5 lots being considered for the future, and to ensure that the applicant is following through on the agreements he has made with the neighbours.

Regular MeetingAugust 8, 20066. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Planning & Development Services Department, dated July 4, 2006 re: Liquor Licensing Application No. LL06-0008 – Salco Management Ltd. (David Rundle, 97th Street Pub) – 2400-2402 Highway 97 North

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

David Rundle, applicant:

- Has no intention of opening at 9 a.m. except for certain events. The earlier opening would save them from having to apply for special permits whenever they want to open earlier.

Moved by Councillor Blanleil/Seconded by Councillor Day

R790/06/08/08 THAT Council support an extension to the permitted hours of liquor service for the 97th Street Pub (Best Western Inn Kelowna) **from** 11:30 a.m. – 1:30 a.m. Monday –Saturday and 11:30 a.m. -12 a.m. Sunday **to** 9 a.m. to 2 a.m. Monday through Saturday and 9 a.m. -12 a.m. Sunday, on Lot A, District Lot 125 Osoyoos Division Yale District Plan 19786 except Plans H18058 and KAP44339, for 2400-2402 Highway 97 North;

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

Carried

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Planning & Development Services Department, dated July 14, 2006 re: Development Variance Permit Application No. DVP06-0071 – Brent Robertson – 795 Elliot Avenue

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

Applicant:

- Indicated he had nothing to add at this time.

Jennifer Lamar, 770 Copeland Place:

- Supports the application which in her view would greatly improve the aesthetics of the neighbourhood.

Regular Meeting

August 8, 2006

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R791/06/08/08 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0071 for Lot 15, D.L. 138 ODYD Plan 3233, located at 795 Elliot Avenue, 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";

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

Section 13.6.6 (d) RU6 – Two Dwelling Housing (minimum side yard setback)

Vary the required side yard setback to the west side of the proposed dwelling from 2.0 m for a 1 or 1½ storey portion of a building to 1.2 m.

Carried

- 7.2 Planning & Development Services Department, dated July 14, 2006 re: Development Variance Permit Application No. DVP06-0051 – Alfred Kuschat – 610 Bell Road (BL9643)

Withdrawn from the agenda.

- 7.3 Planning & Development Services Department, dated July 6, 2006 re: Development Variance Permit Application No. DVP06-0126 – Gerald Varzari (Apchin Design Group) – 3938 Bluebird Road

Withdrawn from the agenda.

8. UNFINISHED BUSINESS

- 8.1 **Deferred from July 25, 2006 Regular Meeting** Planning & Development Services Department, dated June 12, 2006 and supplemental report dated August 2, 2006 re: Development Permit Application No. DP06-0079 and Development Variance Permit Application No. DVP06-0078 – 409729 BC Ltd. (Worman Resource Inc.) – 474 West Avenue

Staff:

- Verified that 6 m width is the residential lane standard and that 3 m is being taken from the property on each side of the lane.

Moved by Councillor Hobson/Seconded by Councillor Day

R792/06/08/08 THAT Council authorize the issuance of Development Permit No. DP06-0079 for Lot 2, District Lot 14, ODYD Plan 3211, located on West Avenue, 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";

Regular MeetingAugust 8, 2006

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0078; Lot 2, District Lot 14, ODYD Plan 3211, located on West Avenue, Kelowna, B.C.;

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

Section 8: Table 8.2:

Vary the loading stalls from 1 required to 0 proposed;

Section 8.1: Off Street Vehicle Parking: 8.1.12

Vary the required drive-aisle width for two-way traffic from 7.0 m required to 3.65 m proposed;

Section 14.4 – Urban Centre Commercial zone: 14.4.5(e):

Vary the western side yard setback from 4.5 m required to 3.65 m proposed;

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

9. REMINDERS – Nil.

10. TERMINATION

The meeting was declared terminated at 9:25 p.m.

Certified Correct:

Mayor

Deputy Mayor Hobson

Deputy City Clerk

BLH/am