

CITY OF KELOWNA
REGULAR COUNCIL AGENDA
COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

TUESDAY, DECEMBER 12, 2006

6:00 P.M.

1. CALL TO ORDER
2. Prayer will be offered by Councillor Gran.
3. CONFIRMATION OF MINUTES

November 27, 2006 Regular Meetings (a.m. and p.m.)
November 28, 2006 Public Hearing
November 28, 2006 Regular Meeting
December 4, 2006 Regular Meeting
4. Councillor Gran 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. 9690 (Z06-0021) - R219 Enterprises Ltd. (Mark Whittle) – 747 Fitzpatrick Road
To rezone the property from A1 – Agriculture 1 to I2 – General Industrial to permit development of the site for future industrial development including manufacturing and self-storage uses.
- 5.2 Bylaw No. 9691 (Z05-0041) - Georg-Michael Holzhey (John Hertay) – 2630 Hollywood Road North
To rezone the property from A1 – Agriculture 1 to I1 – Business Industrial to facilitate future industrial development.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

- 5.3 Bylaw No. 9688 (OCP06-0019) – Various Owners (Neil Denby) – Shayler Court **requires majority vote of Council (5)**
To change the OCP future land use of nine properties on Shayler Court from Future Urban Reserve to Rural/Agricultural.
- 5.4 Bylaw No. 9689 (Z06-0050) – Various Owners (Neil Denby) – Shayler Court
To rezone nine properties on Shayler Court from A1 – Agriculture 1 to RR1 – Rural Residential 1 to allow a subdivision to create additional rural residential single family lots.
6. LIQUOR LICENSE APPLICATION REPORTS
 - 6.1 Planning & Development Services Department, dated November 14, 2006 re: Liquor Licensing Application No. LL06-0011 – Mijarasa Enterprises Ltd. (Garry Benson) – 230 Highway 33 East **Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward**
To obtain Council support for a permanent extension to the hours of liquor sale for the patio area at Post Haus Pub from 11 p.m closing to 12 a.m. closing.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Planning & Development Services Department, dated November 20, 2006 re: Development Variance Permit Application No. DVP06-0224 – Theodore Taylor (Sierra West Homes & Construction Corp.) - 883 Kuipers Crescent **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance to come forward**

To reduce the rear yard setback requirement from 7.5 m to 3.04 m.

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

- (i) Bylaw No. 9694 – Housing Agreement Authorization Bylaw – Invue Developments Corporation – 2040 Springfield Road
To ensure that 4 units are designated as affordable housing in the 13-storey mixed use high rise building proposed for development on the site.

- (ii) Bylaw No. 9669 (OCP06-0009) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road **requires majority vote of Council (5)**
To change the future land use designation from Education/Major Institutional to Commercial.

- (iii) Bylaw No. 9670 (Z06-0031) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road
To rezone the property from P2 – Education and Minor Institutional to C4 – Urban Centre Commercial to allow for development of the site with a 75-unit, 12-storey mixed use building.

- (b) Planning & Development Services Department, dated November 17, 2006 re: Development Permit Application No. DP06-0100 and Development Variance Permit Application No. DVP06-0152 – Kelowna Elks Lodge No. 52 (Herman Design Group Inc.) – 2040 Springfield Road **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance to come forward**

To approve a DP for the construction of a 13-storey mixed use development with 2 storeys of commercial/retail space and 11 storeys (90-units of apartment housing and grant variances to increase the maximum number of storeys permitted from 12 to 13 storeys, increase the maximum permitted building height from 37.0 m to 42.24 m, reduce the setbacks required for parking from 1.5 m to 0.6.m. for the rear yard and from 2.0 m to 0.0 m for the front yard, and to vary the maximum number of parking stalls from 125% of the minimum requirement to 143% of the minimum requirement.

- 7.3 Planning & Development Services Department, dated November 1, 2006 re: Development Variance Permit Application No. DVP06-0111 – 448473 BC Ltd. and 550410 BC Ltd. (Eidse Builders) – 914 Craig Road **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance to come forward**

*To consider a staff recommendation to **not** allow a site coverage of 52.04% where only 50% is permitted for a 56 unit of 2-storey row housing development.*

- 7.4 Planning & Development Services Department, dated November 17, 2006 re: Development Variance Permit Application No. DVP06-0073 – Anita Fee and Leanne Hopegood (Tom Smithwick/Porter Ramsay) – 768 Copeland Place **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance to come forward**

*To consider a staff recommendation to **not** vary the frontage requirement for duplex housing from 18 m to 15.24 m to accommodate an addition to the existing single family dwelling to allow for the creation of a front and back style duplex.*

- WITHDRAWN** 7.5 Planning & Development Services Department, dated November 17, 2006 re: Development Variance Permit Application No. DVP06-0162 – Michael Ohman (James Haasdyk/Oasis Design) – 784 Bernard Avenue **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variances to come forward**

To allow a reduction in the side yard setback from 2.3 m to 1.9 m and to allow a free-standing sign where it would otherwise not be permitted.

8. BYLAWS – Nil.
9. REMINDERS
10. TERMINATION