

Regular MeetingApril 3, 2007

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, April 3, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Brian Given, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Andre Blanleil and Carol Gran

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; Subdivision Approving Officer, Bob Shaughnessy\*; Planner, Cory Gain\*; Planner, Danielle Noble\*; Planning and Development Officer, Paul McVey\*; Parks & Landscape Planner, Terry Barton; Environment/Solid Waste Manager, Mark Watt\*; Traffic & Transportation Engineer, Harry Thompson\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 10:41 p.m.

2. A prayer was offered by Councillor Day.

3. CONFIRMATION OF MINUTES

Workshop – March 19, 2007  
 Regular Meeting A.M. – March 19, 2007  
 Regular Meeting P.M. – March 19, 2007  
 Public Hearing – March 20, 2007  
 Regular Meeting – March 20, 2007  
 Workshop – March 26, 2007  
 Regular Meeting A.M. – March 26, 2007  
 Regular Meeting P.M. – March 26, 2007

Moved by Councillor Day/Seconded by Councillor Given

**R382/07/04/03** THAT the Minutes of the Workshop of March 19, 2007, the Minutes of the Regular Meetings of March 19, March 20 & March 26, 2007 and the Minutes of the Public Hearing of March 20, 2007 be confirmed as circulated.

Carried

4. Councillor Letnick was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)**

5.01 Bylaw No. 9748 (Z06-0068) – Diane Drummond – 4284 Jaud Road

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Moved by Councillor Given/Seconded by Councillor Rule

**R383/07/04/03** THAT Bylaw No. 9748 be read a second and third time.

Carried

5.02 Bylaw No. 9750 (OCP06-0023) – Church of God (Harvey Benson) – 515 Gertsmar Road

Moved by Councillor Clark/Seconded by Councillor Rule

**R384/07/04/03** THAT Bylaw No. 9750 be read a second and third time.

Carried

5.03 Bylaw No. 9751 (Z06-0066) – Church of God (Harvey Benson) – 515 Gertsmar Road

Moved by Councillor Clark/Seconded by Councillor Rule

**R385/07/04/03** THAT Bylaw No. 9751 be read a second and third time.

Carried

5.04 Bylaw No. 9752 (TA06-0005) – Tower Ranch Holding Corporation (Emil Anderson Construction Inc.) – Off Day Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R386/07/04/03** THAT Bylaw No. 9752 be read a second and third time.

Carried

5.05 Bylaw No. 9753 (Z06-0048) – MKS Resources Inc. – 529 Martin Road, 3869, 3879, 3889-3899 Truswell Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R387/07/04/03** THAT Bylaw No. 9753 be read a second and third time.

Carried

Councillors Clark and Hobson opposed.

Moved by Councillor Hobson/Seconded by Councillor Day

**R388/07/04/03** THAT Council direct staff to develop policy regarding design guidelines for the Official Community Plan designated commercial areas along Mission Creek.

Carried

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- 5.06 Bylaw No. 9756 (Z06-0061) – Anton and Maria Wolf (Sunstar Ventures Ltd.) – 860 McCurdy Road

Moved by Councillor Letnick/Seconded by Councillor Given

**R389/07/04/03** THAT Bylaw No. 9756 be read a second and third time.

Carried

**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.07 Bylaw No. 9708 (OCP06-0024) – R354 Enterprise Ltd. (Aberdeen Preparatory School) – 2455 Acland Road

Moved by Councillor Letnick/Seconded by Councillor Given

**R390/07/04/03** THAT Bylaw No. 9708 be read a second and third time, and be adopted.

Carried

- 5.08 Bylaw No. 9749 (Z07-0007) – John McDonald and Jane Muskens (Peter Chataway) – 671 Clifton Road

Moved by Councillor Day/Seconded by Councillor Hobson

**R391/07/04/03** THAT Bylaw No. 9749 be read a second and third time, and be adopted.

Carried

- 5.09 Bylaw No. 9758 (OCP07-0008) – Hilltop Sand and Gravel Ltd. (City of Kelowna) – 4885 South Ridge Drive

Moved by Councillor Day/Seconded by Councillor Hobson

**R392/07/04/03** THAT Bylaw No. 9758 be read a second and third time, and be adopted.

Carried

- 5.10 Bylaw No. 9759 (Z06-0047) – Hilltop Sand and Gravel Ltd. (Protech Consultants Ltd.) – 4885 South Ridge Drive

Moved by Councillor Hobson/Seconded by Councillor Day

**R393/07/04/03** THAT Bylaw No. 9759 be read a second and third time, and be adopted.

Carried

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- 5.11 Bylaw No. 9760 (OCP07-0003) – No. 21 Great Projects, Vincent & Pamela Blaskovich, Interval Investment Inc., 392187 BC Ltd., Oracle Investments Inc., City of Kelowna (Stantec Consulting Ltd.) – Ivens & Paret Road, south of Gordon Drive extension

Moved by Councillor Given/Seconded by Councillor Day

**R394/07/04/03** THAT Bylaw No. 9760 be read a second and third time, and be adopted.

Carried

Moved by Councillor Hobson/Seconded by Councillor Rule

**R395/07/04/03** THAT Council direct staff to work with the applicant regarding changing the future Official Community Plan designation for the southeast corner of the subject property, adjacent to Bellevue Creek, presently designated as cluster housing, as part of the Official Community Plan review process.

Carried

Moved by Councillor Hobson/Seconded by Councillor Rule

**R396/07/04/03** THAT Council direct staff to consider future land use map park and open space boundaries based on geographical features instead of property lines as part of the Official Community Plan review process.

Carried

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R397/07/04/03** THAT Council direct staff to refer the maximum amount of units in Neighbourhood #3 to the Official Community Plan review process.

Carried

#### EXTENSION OF MEETING

Moved by Councillor Given/Seconded by Councillor Letnick

**R398/07/04/03** THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

Councillor Clark opposed.

#### 6. LIQUOR LICENSE APPLICATION REPORTS

- 6.01 Planning & Development Services Department, dated March 9, 2007 re: Liquor Licensing Application No. LL05-0010 – Grand Okanagan Resort Ltd. (Lake City Casino Ltd.) – 1300 Water Street

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Day/Seconded by Councillor Hobson

**R399/07/04/03** THAT Council renew its endorsement for extended hours of liquor service (10am-1am daily) for a Liquor Primary License at Lake City Casino on LOT B DISTRICT LOTS 139, 3454 AND 4082, OSOYOOS DIVISION YALE DISTRICT PLAN KAP47378 EXCEPT PLANS KAP73543 AND KAP76701 at 1300 Water Street;

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

Carried

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.01 Planning & Development Services Department, dated February 21, 2007, 2007 re: Development Variance Permit Application No. DVP06-0216 – K. Funk and V. Rigetti – 1691 Lindsay Drive

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- Letters in Favour:
  - o David Lambert, 151-1310 Water Street

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Day/Seconded by Councillor Hobson

**R400/07/04/03** THAT Council authorize the issuance of Development Variance Permit No. DVP06-0216 for Lot 13, Sec. 29 Twp. 26, O.D.Y.D., Plan KAP72536 located at 1691 Lindsay Drive; Kelowna, B.C.

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

Section 13.1.6(b): RU1 – Large Lot Housing **Development Regulations:**

Vary the maximum building height from the lesser of 9.5 m or 2 ½ storeys permitted to 11.2 m or 3 storeys proposed

Carried

8. REMINDERS – Nil.

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9. TERMINATION

The meeting was declared terminated at 11:08 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

/slh