

Regular MeetingAugust 7, 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, August 7th, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andrew. Blanleil, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillor Cark

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, Allison Flack; Current Planning Manager, Shelley Gambacort; Planner, Danielle Noble*, and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:50 p.m.

2. PRAYER

Prayer will be offered by Councillor Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – July 23, 2007
 Regular Meeting P.M. – July 23, 2007
 Public Hearing - July 24, 2007
 Regular Meeting – July 24, 2007

Moved by Councillor Hobson/Seconded by Councillor Day

R770/07/08/07 THAT the Minutes of the Regular Meetings of July 23rd and 24th, 2007 and the Minutes of the Public Hearing of July 24th, 2007 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 9753 (Z06-0048) – MKS Resources Inc. – 529 Martin Road – 3869, 3879, 3889-3899 Truswell Road

Moved by Councillor Rule/Seconded by Councillor Given

R771/07/08/07 THAT Bylaw No. 9753 be read a second and third time.

Carried

5.2 Bylaw No. 9828 (Z05-0033) – Watermark Developments Ltd. (John Hertay) – 285 Arab Road, 2960 Appaloosa Road

Moved by Councillor Given/Seconded by Councillor Letnick

R772/07/08/07 THAT Bylaw No. 9828 be read a second and third time.

Carried

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R773/07/08/07 THAT staff report back to Council on how to achieve identification of green space to be used as park space between single family lots and anticipated location of Central OK Bypass.

CarriedMoved by Councillor Letnick/Seconded by Councillor Blanleil

R774/07/08/07 THAT staff pursue placing notice on titles created through subdivision regarding Central OK Bypass planned to be in immediate vicinity and report back to Council.

Carried

Opposed - Councillor Gran

5.3 Bylaw No. 9831 (Z07-0008) – 0758587 BC Ltd. (S2 Architecture) – 290 and 300 Asher Road and 315 McIntosh Road

Moved by Councillor Given/Seconded by Councillor Letnick

R775/07/08/07 THAT Bylaw No. 9831 be read a second and third time.

Carried

6. LIQUOR LICENSE APPLICATION REPORTS

6.1 Planning & Development Services Department, dated July 12, 2007 re: Liquor Licensing Application No. LL07-0003 – 590317 BC Ltd. – 435 Glenmore Road

Staff:

- They meet bylaw requirements for parking on the site.

Council:

- Concern over parking.
- Concern over noise levels.
- Glenmore Place calculation of parking situation and believes there is a need for 8 to 10 more parking spaces.

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

Letters of Opposition

Frances Bennette, neighbour
 Max Kaman, 210-432 Sutton Crescent
 George Barnes 966 Fairway Crescent (2)
 Bea Anderson, neighbour
 Leonard & Nettie Schafer, 427 Ballou Place
 Bonnie & Gar Wyatt, 430 Ballou Place
 Emma & Nathan Hallas, 110-448 Sutton Crescent
 Kenneth Sabey, 201-401 Glenmore Road (2)
 Jason Stone, 202-473 Glenmore Road
 Erika Scheffler, 107 & 207 437 Glenmore Road

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Thomas & Wendy Northrup, 21-316 Whitman Road
 Doug Jones, 106-307 Whitman Road
 Ross Wightman, 401 Yates Road
 Layton Carefoot, 26 – 450 Yates Road
 Gerry Dusessoy, 10-452 Glen Pine Court

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Applicant, Ken Hutchinson

- Present to answer any questions.
- There is an easement between our property and Valley First Credit Union and City has asked us to remove that easement and use as parking. New stalls would be 6 in total. We do meet parking requirements for 21 new persons.
- We have seats on patio and licensed to close at 1:00 a.m. but have had no complaints of noise.
- There is a railing around the patio.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Day

R776/07/08/07 THAT Council support an interior structural change to allow a licensed capacity increase of 29 persons proposed by Brandt's Creek Neighbourhood Pub located at 435 Glenmore Road, Kelowna, BC;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria after holding a public meeting in accordance with Council Policy 315.

Carried

Opposed – Councillors Gran, Rule and Letnick

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Planning & Development Services Department, dated July 13, 2007 re: Development Permit Application No. DP07-0025 and Development Variance Permit Application No. DVP07-0026 – Walter and Heather Strutt (Queenston Fine Homes) – 1375 McInnes Avenue

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

- Nil

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Applicant, Walter Strutt

- New to Kelowna but has gone through this process with many other communities.
- Notes they are well within all the setbacks.

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R777/07/08/07 THAT Council authorize the issuance of Development Permit No. DP07-0025 and Development Variance Permit No. DVP07-0026 for Lot 8, District Lot 137, ODYD Plan 3317, located at McInnes 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";
3. The landscaping be in general accordance with Schedule "C";

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

Section 13.6.5 (b) RU6 – Two Dwelling Housing (minimum lot width)

Vary the required lot width for duplex housing from 18.0 m to 15.5 m.

Carried

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

Bylaw No. 9830 (Z07-0045) – Rafael Augusto Carreras and Cornelia Bujara – 2575 Harvard Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R778/07/08/07 THAT Bylaw No. 9830 be adopted.

Carried

- (b) Planning & Development Services Department, dated July 11, 2007 re: Development Variance Permit Application No. DVP07-0111 – Rafael Augusto Carreras and Cornelia Bujara – 2575 Harvard Road

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

- Nil

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R779/07/08/07 THAT Final Adoption of Zone Amending Bylaw No. 9830 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0111 for Lot 5, District Lot 360, ODYD, Plan KAP62784, located at 2575 Harvard Road, Kelowna, B.C.;

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

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Section 9.5.1(d) Secondary Suites – Front Yard Setback
 Vary the front yard setback from 12.0m required to 10.2m proposed.

Section 9.5.4 Secondary Suites – Maximum Floor Area
 Vary the maximum secondary suite floor area from 90 m² permitted to 104.7 m² proposed.

Carried

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

Bylaw No. 9774 (Z07-0018) – Stephen Bigwood (Peter Chataway)
 – 359 Burne Avenue

Moved by Councillor Blanleil/Seconded by Councillor Day

R780/07/08/07 THAT Bylaw No. 9774 be adopted.

Carried

- (b) Planning & Development Services Department, dated May 14, 2007 re: Heritage Alteration Permit Application No. HAP07-0001
 – Steve Bigwood (Peter Chataway) – 359 Burne Avenue

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

Letter in Support

Peter Chataway, 368 Cadder Ave (Applicant) submitted a package of 10 form letters in support from surrounding residence.

- Maureen Stephens, Knowles House 865 Bernard Ave
- William Thurston, 338 Cadder Ave
- Patricia Munro, 368 Cadder Ave
- Neil Cadger, 379 Burne Ave
- Kevin Fierbach, 369 Burne Ave
- Ron Rubadean, 2076 Long Street
- Chad Gerard, 370 Burne Ave
- Pam Couves, 354 Burne Ave
- Neil Clark, 363 Burne Ave
- Cory Edwards, 349 Burne Ave

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R781/07/08/07 THAT Final Adoption of Zone Amending Bylaw No. 9774 be considered by Council;

THAT Council authorize the issuance of Heritage Alteration Permit No. HAP07-0001; for (legal description), located on (Road name), 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";

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2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B".

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

Section 6.5 – Accessory Development: 6.5.8(b)

Vary the western side yard setback for the accessory building with suite from 2.0m required to 1.2m proposed.

AND THAT the existing accessory building containing a studio cannot be converted to a suite in the future.

Carried

8. REMINDERS

9. TERMINATION

The meeting was declared terminated at 8:30 p.m.

Certified Correct:

Mayor

ACM/dld

City Clerk