

Regular MeetingJune 10, 2008

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, June 10th, 2008.

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

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort*; Manager, Community Development Doug Gilchrist*; Planner Specialist, Gary Stephen*; Transportation Manager, Ron Westlake*; Parks Manager, Joe Creron*; Parks Planning Manager, Terry Barton*; Planner, Cory Gain; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:52 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – May 26, 2008

Regular Meeting P.M. – May 26, 2008

Public Hearing – May 27, 2008

Regular Meeting – May 27, 2008

Moved by Councillor Letnick/Seconded by Councillor Given

R527/08/06/10 – THAT the Minutes of the Regular Meeting of May 26th, 2008 and May 27th, 2008 and the Minutes of the Public Hearing of May 27th, 2008 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAW PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 10001 (Z07-0080) – Christine Nicholls & Trent David Karius (Christine Nicholls) – 2236 Stillingfleet Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R528/08/06/10 THAT Bylaw No. 10001 be read a second and third time.

Carried

Moved by Councillor Hobson/Seconded by Councillor Letnick

R529/08/06/10 THAT staff work with adjacent property owners to achieve adequate screening between the subject property and 2242 Stillingfleet Road.

Carried

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- 5.2 Bylaw No. 10003 (OCP07-0027) – Various Owners (City of Kelowna, Parks Division) – Various Properties.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R530/08/06/10 THAT Bylaw No. 10003 be read a second and third time and be adopted.

Carried

Councillors Blanleil and Gran - Opposed

Council:

- Confirmed that the land owners affected will receive fair market value for their property.
- Staff will work with hospital auxiliary association to meet their needs and to relocate them to a different location.
- Concern raised in regards to the timeframe of starting the plan. Would like to see the plan come together sooner rather than later.

There were no further comments.

Mayor Shepherd adjourned the meeting for a break at 8:30 p.m.

Mayor Shepherd reconvened the meeting at 8:39 p.m.

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Planning & Development Services Department, dated April 30, 2008 re: Liquor Licensing Application No. LL08-0001 - Grand Okanagan Resort Ltd. Inc. (Lake City Casinos) - 1300 Water Street

Staff:

- RCMP have received no calls in regards to liquor related issues.

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

- Present and available to answer any questions.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Given

R531/08/06/10 THAT Council supports an application from Lake City Casinos located at 1300 Water Street, Kelowna, BC and legally described as Lot B District Lots 139, 3454 and 4082, Osoyoos Division Yale District Plan KAP47378 Except Plans KAP73543 and KAP76701 to extend the hours of liquor service from the current 10:00 AM to 1:00 AM (Monday to Sunday) to the proposed 10:00 AM to 2:00 AM (Monday to Sunday) from June 1st to October 31st annually;

AND THAT Council's comments on the prescribed considerations are as follows:

- a) The potential for noise if the application is approved remains unchanged.
- b) The impact on the community if the application is approved is considered minimal given that the facility is well established with parking on site in conformance with the City of Kelowna Zoning Bylaw and overflow parking provided on the commercial property located immediately to the east.

AND THAT Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

Carried

- 6.2 Planning & Development Services Department, dated May 7, 2008 re: Liquor Licensing Application No. LL08-0002 and Development Permit Application No. DP08-0073 - Springfield Plaza Inc. (Goldwing Investments Ltd. dba Chances Gaming Entertainment) - 1585 Springfield Road

Councillor Day declares a conflict due to direct members of his family owning adjoining property and departed the meeting at 8:44 p.m.

Staff:

- Each item could be treated separately.
- These are inter-related issues and have been brought forward as one package.

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

Letter of Opposition

Crysatl Mandryk, 1430 Guisachan Place
Gayle Stevenson, 1995 Burtch Road

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

Applicant Stan Walt, Service Provider Chances Gaming

- This is a three part application drawn together by a common thread.
- Gaming has seen trends change resulting in the volume of bingo going down.
- Would like to give our clientele more of what they are wanting. If this application is approved there will be surveillance during all hours of operation.
- Would like to achieve an adult gaming facility to allow free flow of our patrons. This would allow slot machine patrons to flow through bingo area.
- There have been no issues with the RCMP in the 3 years of our liquor license. We do not permit excessive alcohol on site. Consumption from bingo clientele very minimal.
- We are an entertainment venue comparable to Lake City Casino. We are not a nightclub nor is it our intent to be.
- Slot gaming takes up a lot more square footage than a bingo table. End analysis is a reduction of 200 bingo seats and an increase of 50 slot machines. However, bingo will still be the primary use of this facility.
- Chances provides some regional tourism. We offer low key entertainment.
- There are currently twelve (12) Chances Gaming facilities within the province.

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- Patios are only a requirement for smoking purposes. Intent to put speakers out on patio to be able to call patrons back inside for bingo games.

Council:

- Confirmed liquor is not permitted outside.
- Confirmed there will be benches provided on the proposed patios.
- Concern raised in regards to bright lights from the signage disturbing residents.
- Questioned if there was adequate parking.
- Concern raised over speakers being placed on the back patio which could affect neighbours negatively.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R532/08/06/10 THAT Council supports an application from Goldwing Investments (Saskatoon) Ltd. DBA Changes Gaming Entertainment (Kelowna) located at 1585 Springfield Road, Kelowna, BC and legally described as Lot A District Lot 129 Osoyoos Division Yale District Plan KAP70110 to increase the licensed area to include the entire gaming floor area at the facility because the changes proposed are an extension of an area currently under license, will be confined to the interior of the building and are not anticipated to have a measurable impact on the surrounding neighbourhood.

AND THAT Council's comments on the prescribed considerations are as follows:

- a) The potential for noise if the application is approved remains unchanged.
- b) The impact on the community if the application is approved is considered minimal given that the facility is well established with parking on site in conformance with the City of Kelowna Zoning Bylaw and overflow parking provided on the commercial property located immediately to the east.

AND THAT Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

CarriedMoved by Councillor Blanleil/Seconded by Councillor Hobson

R533/08/06/10 THAT Council adopt a resolution supporting the expansion of the number of slot machines at the Chances Gaming Entertainment Community Gaming Centre facility from 50 to as many as may occupy up to 49% of the floor area of the establishment.

CarriedMoved by Councillor Blanleil/Seconded by Councillor Hobson

R534/08/06/10 THAT Council authorize the issuance of Development Permit No. DP08-0073 for Lot A District Lot 129 Osoyoos Division Yale District Plan KAP70110, located at 1585 Springfield Road, Kelowna, B.C. subject to the following:

1. The dimension 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";

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AND 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 considered issued.

Moved by Councillor Rule/Seconded by Councillor Letnick

R535/08/06/10 THAT the Development Permit be amended by adding a subject that no amplified speakers be permitted.

Carried

Councillor Blanleil - Opposed

Moved by Councillor Hobson/Seconded by Councillor Letnick

R536/08/06/10 THAT the Development Permit be amended by adding a subject that the lighting of all three signs be dimmed at midnight.

Carried

Councillor Blanleil - Opposed

Moved by Councillor Hobson/Seconded by Councillor Letnick

R537/08/06/10 THAT Council authorize the original Development Permit as amended.

Carried

Councillor Day re-entered the meeting at 9:30 p.m.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1. Planning & Development Services Department, dated May 5, 2008 re: Development Variance Permit Application No. DVP07-0131 - David and Blossom Turner - 4022 Finch Road

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

- Nil

Applicant:

- Present and available to answer any questions.

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 Given/Seconded by Councillor Letnick

R538/08/06/10 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0131 for Lot 11 Sections 32 and 33 Township 23 Osoyoos Division Yale District Plan 13462 located at 4022 Finch Road, Kelowna, B.C.;

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

Section 7.5 Fencing and Retaining Walls Subsection 7.5.9 as follows:

To vary the height of a retaining wall on a residential lot from 1.2 m (4 ft.) to 1.8 m (5.8 ft.) measured from grade on the lower side.

Carried

7.2 Planning & Development Services Department, dated May 7, 2008 re: Development Variance Permit Application No. DVP08-0070 - Peter Irvine (Teena Gillmore and Peter Irvine) - 510 Okanagan Boulevard

Staff:

- Accessory building to be used as a suite.
- Sufficient parking on both sides of the site.

Peter Irvine, Applicant:

- We are looking at varying the side yard setback to buildup the garage by 93 cm. When it was originally built it was too close to the property line.

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

Letter of Opposition

John and Carol Tremblay, 520 Okanagan Blvd.
Grant Spanner, 529 Okanagan Blvd.
Monique Small, 519 Oxford Avenue

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

John and Carol Tremblay, 520 Okanagan Blvd. and Monique Small 519 Oxford Avenue

- This variance affects the Tremblay property the most.
- Wondered how this would affect our setback if variance allowed. Staff noted that the setback would be measured from their property line. If proposing a suite staff would have to calculate measurements and if it doesn't meet the requirement it would require a DVP.
- Parking is a main concern with current owner. If another suite is added it will impact parking even more. Staff confirmed that 2 stalls for principal residence and 1 stall for carriage house are required.
- This will be the 4th carriage house on this lane. There is also a bus stop right where they would be backing out their vehicles.

Applicant:

- Parking is set up at the side of the house and is well past the bus stop so there should be no issues.

Council:

- Concern raised over the fact that the building used for human habitation is on one side and a garage is on the other and that there could be fire issues.
- Concerned that if this application is approved we may adversely impact the neighbour who may want to build something similar.

There were no further comments.

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R539/08/06/10 THAT Council defer the issuance of Development Variance Permit No. DVP08-0070 for Lot 1, Block 11, District Lot 9, ODYD, Plan 3915, located at 510 Okanagan Boulevard, Kelowna, B.C., subject to staff advising Council on any siting limitations impacting the adjacent building.

Carried

7.3 Planning & Development Services Department, dated May 8, 2008 re: Development Permit Application No. DP07-0233 and Development Variance Permit Application No. DVP07-0234 - Architecturally Distinct Solutions Inc. (0796838 BC Ltd.) - 1789 KLO Road

Applicant:

- Present and available to answer any questions.

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 Hobson/Seconded by Councillor Day

R540/08/06/10 THAT Council authorize the issuance of Development Permit No. DP07-0233 for Lot 1 District Lot 131 Osoyoos Division Yale District Plan KAP81362, located at the southeast corner of KLO and Benvoulin Roads, Kelowna, BC 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 provided on the land 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. Lot consolidation of the subject properties must be completed prior to issuance of the Development Permit.

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.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0234 for Lot 1 District Lot 131 Osoyoos Division Yale District Plan KAP81362, located at the southeast corner of KLO and Benvoulin Roads, Kelowna, BC;

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

Section 14.2.5 (c) – Development Regulations

To vary the maximum height from 10.5 m or 2 ½ storeys to 11.1 m or 3 storeys to permit construction of a full third floor containing three 2-bedroom residential dwelling units; and

Section 7.6.1 (c) – Minimum Landscape Buffers Level 3

To vary the minimum landscape buffer width from 3.0 m to 1.5 m along the south and west property lines to accommodate the proposed parking and landscaping plan.

Carried

- 7.4 Planning & Development Services Department, dated May 21, 2008 re: Development Variance Permit Application No. DVP08-0008 - Stantec Architecture Ltd. (Interior Health Authority) - 2268 Pandosy Street

Applicant

- Present and available to answer any questions.

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 Hobson/Seconded by Councillor Letnick

R541/08/06/10 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0008 for, Lot A, D.L. 14, ODYD, Plan KAP67528, located at Pandosy St., Kelowna, B.C.

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

Section 16.1.5(c) – Development Regulations:

To vary the maximum height from 22 m allowed to 39m proposed.

Carried

8. BYLAWS

9. REMINDERS

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10. TERMINATION

The meeting was declared terminated at 10:05 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld