

Regular MeetingNovember 30, 2010

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, November 30th, 2010.

Council members in attendance: Deputy Mayor Charlie Hodge, Councillors Andre Blanleil, Kevin Craig, Graeme James, Angela Reid*, Michele Rule and Luke Stack.

Council members absent: Mayor Sharon Shepherd and Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Hodge called the meeting to order at 6:03 p.m.

Deputy Mayor Hodge advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

2. PRAYER

2. A Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - November 8, 2010
 Regular P.M. Meeting - November 8, 2010
 Regular A.M. Meeting - November 15, 2010
 Regular P.M. Meeting - November 15, 2010
 Public Hearing - November 16, 2010
 Regular Meeting - November 16, 2010
 Regular A.M. Meeting - November 22, 2010
 Regular P.M. Meeting - November 22, 2010

Moved by Councillor Craig/Seconded by Councillor James

R1158/10/11/30 THAT the Regular Meetings of November 8, 2010, November 15, 2010, November 16, 2010 and November 22, 2010 and the Public Hearing Meeting of November 16, 2010 be confirmed as circulated.

Carried

4. Councillor Rule 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. 10449 (Z10-0084) - Pargat and Jagjeet Bhandher - 447 Sumac Road East

Regular MeetingNovember 30, 2010Moved by Councillor James/Seconded by Councillor CraigR1159/10/11/30 THAT Bylaw No. 10449 be read a second and third time.Carried

Councillor Reid joined the meeting at 6:04 p.m.

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Land Use Management Department, dated October 22, 2010 re: Liquor License Application No. LL10-0015 - City of Kelowna (Skyway Restaurant & Lounge) - 5533 Airport Way Deputy Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

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

Deputy Mayor Hodge 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 Blanleil/Seconded by Councillor James

R1160/10/11/30 In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #315, be it resolved THAT:

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

- a) **The potential for noise if the application is approved:**
Little, if any, negative impacts anticipated, and would be limited to the International Departures area.
- b) **The impact on the community if the application is approved:**
No negative community impact is anticipated.
- c) **View of residents:**
The views of residents (if any) were obtained through an open invitation to a public meeting of Council through newspaper advertisements. Given the nature of the application, no individual notices were sent for this application.

In consideration of the above, Council recommends support for the application from Skyway Restaurant & Lounge at 5533 Airport Way, Kelowna BC, to expand the licensed area of the existing establishment by 26 persons.

Carried7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS7.1 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10369 (Z08-0040) - Adrienna Fehr (Adrienna and Cornie Fehr) - 125 Robson Road

Regular MeetingNovember 30, 2010Moved by Councillor Craig/Seconded by Councillor JamesR1161/10/11/30 THAT Bylaw No. 10369 be adopted.Carried

- (b) Land Use Management Department, dated October 22, 2010 re: Development Variance Permit Application No. DVP08-0096 - Adrienna Fehr (Adrienna & Cornie Fehr) - 125 Robson Road East City Clerk to state for the record any correspondence received. Deputy Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

- o Letter of Opposition:
 - Craig Gulka, 135 Robson Road East

Deputy Mayor Hodge 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 Reid/Seconded by Councillor BlanleilR1162/10/11/30 THAT Final Adoption of Zone Amending Bylaw No. 10369 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP08-0096 for Lot 5, Section 23, Township 26, ODYD, Plan 10372, located at 125 Robson Road East, Kelowna, B.C.;

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

Section 9.5.1(d): To vary the siting requirements for a secondary suite in an accessory building, to allow the secondary suite to be located between the principal building and the front yard.

Section 13.1.6(e): To vary minimum rear yard from 7.5m required to 2.3m proposed.

Carried

7.2 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 10377 (OCP10-0007) - T 146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road - Requires a majority of all Members of Council (5)

Regular MeetingNovember 30, 2010Moved by Councillor Stack/Seconded by Councillor BlanleilR1163/10/11/30 THAT Bylaw No. 10377 be adopted.Carried

- (ii) Bylaw No. 10378 (Z10-0037) - T 146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road

Moved by Councillor Stack/Seconded by Councillor BlanleilR1164/10/11/30 THAT Bylaw No. 10378 be adopted.Carried

- (b) Land Use Management Department, dated November 5, 2010 re: Development Variance Permit Application No. DVP10-0081 - T 146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road City Clerk to state for the record any correspondence received. Deputy Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

Deputy Mayor Hodge 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 Rule/Seconded by Councillor Craig

R1165/10/11/30 THAT Final Adoption of OCP Amending Bylaw No. 10377 be considered by Council;

AND THAT Final Adoption of Zone Amending Bylaw No. 10378 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0081 for Lot B, D.L. 19, ODYD, Plan 32387 located at 1460 Springfield Road, Kelowna, B.C;

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

Section 8.1.2 Parking & Loading Regulations - Maximum Number of Parking Spaces

Vary the maximum parking regulations (125%) to accommodate 26 stalls where 25 stalls are permitted.

Carried

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8. RESOLUTIONS

- 8.1 City Clerk, Draft Resolution, re: Development Permit Application No. DP10-0082 and Development Variance Permit Application No. DVP10-0075 - Kane #2 Resources Ltd. (Protech Consultants Ltd.) - 335 Gerstmar Road

Moved by Councillor Craig/Seconded by Councillor James

R1166/10/11/30 THAT Council defers consideration of Development Permit Application No. DP10-0082 and Development Variance Permit Application No. DVP10-0075 to the December 14, 2010 Regular Meeting.

Carried

9. REMINDERS - Nil.

10. TERMINATION

The meeting was declared terminated at 6:13 p.m.

Certified Correct:

Deputy Mayor Hodge

Deputy City Clerk

SLH/dld