

Regular MeetingApril 19, 2011

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 19th, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid-Nagy, Michele Rule and Luke Stack.

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

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:38 p.m.

Mayor Shepherd 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

A Prayer was offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - April 4, 2011
 Regular P.M. Meeting - April 4, 2011
 Public Hearing - April 5, 2011
 Regular Meeting - April 5, 2011
 Regular P.M. Meeting - April 11, 2011

Moved by Councillor Craig/Seconded by Councillor James

R419/11/04/19 THAT the Minutes of the Regular Meetings of April 4, 2011, April 5, 2011 and April 11, 2011 and the minutes of the Public Hearing of April 5, 2011 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R420/11/04/19 THAT Bylaw No. 10507 be amended at first reading by:

a) Deleting the words "after the last bullet:" in the paragraph that reads:

"THAT **Chapter 8 - HOUSING, Policy 8.1 Housing Policy**, Section 8.1.31 of "Kelowna 2020 - Official Community Plan Bylaw No. 7600" be amended by adding the following to the end of the Section 8.1.31 after the last bullet:" and

b) Adding the following above the sentence that reads "Table of Properties granted a one-increment gain in land use designation (density) potential:":

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"To mitigate the neighbourhood impact of higher densities, it is important that:

- supporting infrastructure and park land is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure and park land); and
- the proposed densities do not exceed the densities provided for on Map 19.1 by more than one increment (e.g. medium density multiple units might be entertained where low-density has been provided for, and low-density multiple units might be entertained where single/two unit residential densities have been provided for); and
- the project be sensitively integrated into the surrounding neighbourhood, with no more than a one-storey height gain between the proposed development and the height permitted within land use designations assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighbourhood); and
- approval of the project not destabilize the surrounding neighbourhood or threaten viability of existing neighbourhood facilities (e.g. schools, commercial operations etc.). "

Carried(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

- 5.1 Bylaw No. 10507 (OCP10-0012) - City of Kelowna - 1515, 1525, 1535, 1547 & 1563 Highland Drive North - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hodge/Seconded by Councillor JamesR421/11/04/19 THAT Bylaw No. 10507 be read a second and third time.Carried

- 5.2 Bylaw No. 10508 (OCP10-0012) - City of Kelowna - 1515, 1525, 1535, 1547 & 1563 Highland Drive North - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hodge/Seconded by Councillor CraigR422/11/04/19 THAT Bylaw No. 10508 be read a second and third time.Carried

- 5.3 Bylaw No. 10509 (Z10-0067) - City of Kelowna - 1515, 1525, 1535, 1547 & 1563 Highland Drive North

Moved by Councillor James/Seconded by Councillor HodgeR423/11/04/19 THAT Bylaw No. 10509 be read a second and third time.Carried

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R424/11/04/19 THAT Council direct staff to report back prior to final reading with a report indicating what improvements could be made to mitigate traffic impacts on the neighbourhood based on increments related to potential future development of the subject properties.

CarriedMoved by Councillor Rule/Seconded by Councillor Hodge

R425/11/04/19 THAT Council direct staff to report back prior to final reading with an assessment on the health and species of trees on the subject properties including consideration of any appropriate protective measures.

Carried

- 5.4 Bylaw No. 10510 (TA11-0001) - City of Kelowna - Miscellaneous Housekeeping Text Amendments to Zoning Bylaw No. 8000

Moved by Councillor Blanleil/Seconded by Councillor Nagy

R426/11/04/19 THAT Bylaw No. 10510 be read a second and third time.

Carried

- 5.5 Bylaw No. 10511 (Z10-0102) - Kulwinder and Mandeep Dhami (Kulwinder Dhami) - 1451 Montenegro Drive

Moved by Councillor Nagy/Seconded by Councillor Blanleil

R427/11/04/19 THAT Bylaw No. 10511 be read a second and third time.

Carried

- 5.6 Bylaw No. 10512 (Z11-0011) - George and Aneta Andres - 820 Quigley Road

Moved by Councillor Blanleil/Seconded by Councillor Nagy

R428/11/04/19 THAT Bylaw No. 10512 be read a second and third time.

Carried

- 5.7 Bylaw No. 10513 (Z10-0091) - D & S Schulz Enterprises Ltd. (Siegfried Schulz) - 186 Cariboo Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R429/11/04/19 THAT Bylaw No. 10513 be read a second and third time.

Carried

6. The Deputy City Clerk advised that Notice of these (*amendment to Patron Participation Endorsement Application*) were advertised by being posted on the Notice Board at City Hall on April 1, 2011, and by being placed in the Kelowna Daily Courier issues on April 11, 2011 and April 12, 2011 and by sending out or

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otherwise delivering 2428 letters to the owners and occupiers of surrounding properties between April 1, 2011 and April 8, 2011.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

7. LIQUOR LICENSE APPLICATION REPORTS

- 7.1 Land Use Management Department, dated March 25, 2011 re: Liquor Licensing Application No. LL11-0002 - Momi Properties Ltd. (Kelowna Banquet & Conference Centre/Da Tandoor Restaurant) - 1685-1687 Pandosy Street 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.

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

Gurwinder Momi, Applicant

- Nothing further to add to staff's comments.

There were no further comments.

Moved by Councillor Nagy/Seconded by Councillor Stack

R430/11/04/19 In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved THAT:

1. Council recommends support of the application from Kelowna Banquet & Conference Centre (Da Tandoor Restaurant) to obtain a Patron Participation Entertainment Endorsement for the existing Food Primary Establishment at 1685-1687 Pandosy Street, Kelowna, BC (legally described as Strata Lot 1, District Lot 139, ODYD, Strata Plan K668 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as Shown on Form 1), for the following reasons: the proposal is not anticipated to have significant impact on the area, and would add welcomed activity to the surrounding commercial area.
2. The Council's comments on the LCLB's prescribed considerations (bolded) are as follows:
 - a) **The potential for noise if the application is approved:**
The proposed endorsement is not anticipated to create potential for extensive noise.
 - b) **The impact on the community if the application is approved:**
The proposal is not anticipated to have significant impact on the surrounding area.
 - c) **If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:**
The endorsement is being sought to offer an additional level of service to those wishing to rent the conference centre for events, and is not anticipated to change the purpose of the establishment.

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3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures".

Carried

8. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 8.1 Land Use Management Department, dated March 25, 2011 re: Development Variance Permit Application No. DVP11-0035 - 0775737 BC Ltd. (GTA Architecture) - 260 Highway 33 West 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(s) to come forward.

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.

Lenora Rupert, Owner of Property

- Encouraged Council to support the variances and noted that they have been working a long time on this project and considered other signage on the highway. The proposed sign was approved at the development permit stage and are now receiving negative feedback from APC.
- This variance will attract tourists that flow up and down the corridor including traffic heading up to Big White.
- The larger sign caters to vehicular traffic that is being pursued within the advertising for the business.
- Advised that they own the property and will live in the residence above the business.
- Noted that their business will provide employment in the community.
- Clint Gavel, GTA Architects
- Prior to APC reviewing the application, support for the sign was received from the adjacent neighbours as well as URBA. There is a letter of support that had been submitted on Monday, April 18th.
- Advised that this is the first time in 13 months of submitting this application that they had any negative feedback regarding signage. Staff had not acknowledged before the APC meeting that they were not supportive.
- Indicated they had gone through many compromises through the building permit stages and hope that all their efforts will be considered into Council's decision.

Mayor Shepherd:

- Advised that she is aware of this letter of support by URBA that Mr. Gavel was referring to.

Staff:

- Advised that at the DP stage the Applicant's show signage but no dimensions are given as it does change and evolve.
- Advised that there is a Sign Bylaw in place.

There were no further comments.

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R431/11/04/19 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0035 for Lot 2, Section 26, Township 26, Plan 4338 Except Plan 39372, ODYD, located at 260 Hwy 33 West, Kelowna BC;

AND THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

Section 5.6.1d (Free-Standing Signs): To vary the minimum setback from a lot line for a free standing sign from 1.5m required to 0.25m proposed.

Section 6.1 - Major Commercial, Free-standing (a): To vary the maximum free-standing sign height from 3.0m allowed (for a site less than 30m in width) to 5.9m proposed.

Carried
Councillors Rule and Hobson - Opposed

Moved by Councillor Nagy/Seconded by Councillor Craig

R432/11/04/19 THAT Council directs staff to report back on when sign bylaw regulation information is provided to applicants during the development permit application process.

Carried

- 8.2 Land Use Management Department, dated January 28, 2011 re: Development Variance Permit Application No. DVP10-0147 - Callahan Construction Company Ltd. (Callahan Property Group Ltd.) - 1864 Spall 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(s) to come forward. Reconsideration of Resolution No. R243/11/03/08 not authorize the issuance of a Development Variance Permit in order to permit a second free standing sign where only one free standing sign is permitted.

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.

Bob Callahan, Applicant

- Advised that without the variance he cannot negotiate with the tenants to try without the sign.
- Mr. Callahan would like the tenants to move their advertising to the one large sign.
- Advised the non-conforming sign requires repair and maintenance.

There were no further comments.

Moved by Councillor Craig/Seconded by Councillor Hodge

R433/11/04/19 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0147 for Lot 4, D.L. 129, ODYD, Plan 22647, located at 1864 Spall Road, Kelowna, B.C.;

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AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6.1 Specific Zone Regulations - Industrial & Commercial Zones (C10)

Vary the regulations to permit a second free standing sign where only one free standing sign is permitted.

Carried

9. REMINDERS - Nil.

10. TERMINATION

The meeting was declared terminated at 9:09 p.m.

Certified Correct:

Mayor

ACM/dld

Deputy City Clerk