

Regular MeetingAugust 23, 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, August 23rd, 2011.

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

Council members absent: Councillor Angela Reid-Nagy.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:49 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

2. A Prayer was offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - August 8, 2011
 Regular P.M. Meeting - August 8, 2011
 Public Hearings - August 9, 2011
 Regular Meeting - August 9, 2011

Moved by Councillor Stack/Seconded by Councillor Hobson

R850/11/08/22 THAT the Minutes of the Regular P.M. Meeting of August 8, 2011 be amended by deleting the wording of Resolution No. R796/11/08/08 in its entirety and replacing it with the following:

THAT Council, in principle, endorses the '*Transit Future Plan - Central Okanagan Region*', as the guiding document for expansion of public transit service within the City of Kelowna over the next 25 years. This endorsement is contingent upon the City and funding partners developing an acceptable operating and capital plan to finance the Transit Future Plan.

AND THAT Council directs staff to work with BC Transit to develop a 5 year Operating and Capital Plan;

AND THAT final approval for any costs related to the Transit Future Plan with budget implications will be approved by Council through the Annual Budget process.

Carried

Moved by Councillor Stack/Seconded by Councillor Blanleil

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R851/11/08/22 THAT the Minutes of the Regular Meetings of August 8, 2011 and August 9, 2011 and the minutes of the Public Hearings of August 9, 2011 be confirmed as amended.

Carried

4. Councillor Hodge was requested to check the minutes of this meeting.
5. BYLAWS CONSIDERED AT PUBLIC HEARING

5.2 Bylaw No. 10579 (Z11-0024) - Davara Holdings Ltd. - 120 Leathead Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R852/11/08/23 THAT Bylaw No. 10579 be read a second and third time.

Carried

5.3 Bylaw No. 10580 (Z11-0045) - Nathan & Kerri Frey - 1392 Kloppenburg Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R853/11/08/23 THAT Bylaw No. 10580 be read a second and third time.

Carried

5.4 Bylaw No. 10581 (Z11-0040) - Scott & Allyson Graf (Scott Graf) - 1275 Rodondo Place

Moved by Councillor Rule/Seconded by Councillor James

R854/11/08/23 THAT Bylaw No. 10581 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

5.5 Bylaw No. 10575 (Z11-0049) - Corey Knorr Construction Ltd. - 925 Gibson Road

Councillor Craig advised that he was absent for the Public Hearing with respect to Bylaw No. 10575 and left the meeting at 6:57 p.m.

Moved by Councillor Hobson/Seconded by Councillor Stack

R855/11/08/23 THAT Bylaw No. 10575 be read a second and third time and be adopted.

Carried

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- 5.6 Bylaw No. 10576 (Z11-0050) - Corey Knorr Construction Ltd. - 945 Gibson Road

Moved by Councillor Blanleil/Seconded by Councillor Stack

R856/11/08/23 THAT Bylaw No. 10576 be read a second and third time and be adopted.

Carried

Councillor Craig rejoined the meeting at 6:58 p.m.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R857/11/08/23 THAT Council directs staff to examine the sightlines at the intersection of Gibson and Hartman Roads and report back to Council.

Carried

Moved by Councillor Hodge/Seconded by Councillor Hobson

R858/11/08/23 THAT staff report back to Council with a timeline for the installation of the sidewalk, and any other infrastructure upgrades, along the 900 block of Gibson Road.

Carried

6. ADJOURN TO PUBLIC HEARING

The Meeting adjourned to a Public Hearing at 7:01 p.m.

7. RECONVENE REGULAR MEETING

The Meeting was reconvened at 8:01 p.m.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAW PRESENTED FOR SECOND AND THIRD READINGS)

- 5.1 Bylaw No. 10578 (Z11-0055) - Tracie Ward - 1075 Wintergreen Drive

Moved by Councillor James/Seconded by Councillor Rule

R859/11/08/23 THAT Bylaw No. 10578 be read a second and third time.

Carried

Councillor Craig - Opposed.

The meeting recessed at 8:22 p.m. The meeting reconvened at 8:33 p.m.

6. THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The City Clerk advised the Notice of the Liquor Licence Applications was advertised by being posted on the Notice Board at City Hall on August 5, 2011 and by being placed in the Kelowna Daily Courier issues of August 15, 2011 and August 16, 2011, and by sending out or otherwise delivering 497 letters to the owners and occupiers of surrounding properties between August 5, 2011 and August 12, 2011.

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The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 1921 letters to the owners and occupiers of the surrounding properties between August 5, 2011 and August 12, 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 July 29, 2011, re: Liquor Licensing Application No. LL11-0007 - SchultzCo Holdings Inc. (Doc Willoughby's Pub) - 353 Bernard Avenue City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

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

- o Letter of Opposition:
 - Shabbir Dhalla, Royal Anne Hotel, 348 Bernard Avenue
- o Letter of Response:
 - A letter of response was submitted by the Applicant, Dave Willoughby, Doc Willoughby's Public House.

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

Dave Willoughby, Doc Willoughby's Public House, Applicant's Representative

- Believes that the staff report is very thorough and he is here to answer any questions Council may have.
- Provided details with respect to the renovation plans for the pub.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R860/11/08/23 In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Doc Willoughby's Public House at 353 Bernard Avenue, Kelowna BC, (legally described as Lot 9, Block 14, District Lot 139, ODYD, Plan 462 except the east 15 feet thereof) for an expansion to the existing Liquor Primary Establishment, are as follows:

- a) **The potential for noise if the application is approved:**
The expansion is limited to indoor areas. It is anticipated that only incremental increases in noise from the existing operation are anticipated.
- b) **The impact on the community if the application is approved:**
The potential for negative impacts is considered to be minimal.
- c) **View of residents.**

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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."

d) **Recommendation:**

Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

Carried

8. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 8.1 Land Use Management Department, dated July 27, 2011, re: Development Variance Permit Application No. DVP11-0100 - Delta Hotels No. 48 Holdings Ltd. (Pattison Sign Group) - 1300 Water Street 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 City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Opposition:
 - Fred Speckeen, 116-1156 Sunset Drive

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

David Atkinson, Pattison Sign Group, Applicant's Representative

- Advised that upon completion of the signage installation, it was noted that an additional sign had been installed on the north elevation of the structure that was not permitted and confirmed that Pattison Sign Group takes full responsibility for the error.
- Submitted his speaking notes for the public record.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R861/11/08/23 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0100, for Lot B, DL 139, 3454, & 4082, O.D.Y.D., Plan KAP47378 Exc. Plans KAP73543 & KAP76701, located on Water Street, Kelowna, BC;

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

Section 6 - Specific Sign Regulations for C8 Zone:

To vary the maximum number of Fascia signs on the eastern building elevation from 2 signs per business frontage permitted to 3 signs per business frontage for the casino operation, as identified on Schedule "A".

Carried

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- 8.2 Land Use Management Department, dated July 29, 2011, re: Development Variance Permit Application No. DVP11-0109 - John Braley - 765 Coronation Avenue 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 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.

John Braley, Applicant

- Confirmed that he has received support from almost all of the adjoining neighbours. The only property owner that did not provide support indicated that he did not wish to sign a letter of support as he was selling his property, but would provide written consent if the City required it.
- Confirmed that the entire living space area will be located on the top floor of the accessory building.
- Advised that he did consider re-designing the structure with a flatter roof, but was concerned that the flatter roof would not meet with City approval as it would appear out of character for the neighbourhood.

There were no further comments.

Moved by Councillor Craig/Seconded by Councillor Hodge

R862/11/08/23 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0109 for Lot 45, District Lot 138, ODYD, Plan 1039, located at 765 Coronation Ave, Kelowna BC;

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

Section 9.5.1(e): To vary the maximum height of an accessory building from the lesser of 4.5m or the height of the existing principal dwelling unit (4.42m) on the same property to 6.5m proposed.

Section 13.6.6(b) - RU6 Development Regulations: To vary the maximum height of an accessory building from 4.5m to 6.5m proposed.

AND FURTHER THAT Development Variance Permit issuance be subject to staff consideration of a Development Permit for the form & character of the proposed accessory building.

Carried
Councillor Stack - Opposed.

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9. MAYOR'S ITEMS

9.1 Mayor Shepherd, re: Regional Relations - Code of Conduct

Moved by Councillor Craig/Seconded by Councillor Rule

R863/11/08/23 THAT Council endorses the Regional Relations Code of Conduct as presented by the Regional District of Central Okanagan.

Carried

10. TERMINATION

The meeting was declared terminated at 9:14 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld