



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 18, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble; and Council Recording Secretary, Sandi Horning

1. Call to Order

Mayor Gray called the meeting to order at 6:08 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Bylaws Considered at Public Hearing

- 3.1. Bylaw No. 10849 (Z13-0011) - 370 Fleming Road, Wendy Cullen & Michael Anderson

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R435/13/06/18 THAT Bylaw No. 10849 be read a second and third time.

Carried

4. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 640 letters to the owners and occupiers of surrounding properties between June 4, 2013 and June 7, 2013.

The Deputy City Clerk advised that Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on January 3, 2012, and by being placed in the Kelowna Capital News issues on June 7, 2013 and June 11, 2013 and by sending out or otherwise delivering 89 letters to the owners and occupiers of surrounding properties between June 4, 2013 and June 7, 2013.

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 No. 309.

5. Liquor License Application Reports

5.1. Liquor License Application No. 13-0004 - 3110 Lakeshore Road, Simple Pursuits Inc.

Staff:

- Summarized the application before Council.

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

- **Letter of Concern:**
 - Brian McCormick/TAFCO Realty Corp., 107-347 Leon Avenue

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

Steve Stinson, Applicant's Representative

- Responded to questions from Council.
- Advised that the number of parking spots has not been increased. The establishment is trying to encourage its clientele to use other modes of transportation so that its clientele are less likely to drink and drive.

There were no further comments.

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R436/13/06/18 THAT 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 at address: 3110 Lakeshore Road, Kelowna BC, (legally described as Lot C, District Lot 14, ODYD, Plan 22527, Except Plan 35659) for a transfer of a Liquor Primary License, are as follows:

- a) The potential for noise if the application is approved: A Minimal increase in noise is expected compared to current circumstances.
- 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: 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) The person capacity and hours of liquor service of the establishment: The total person capacity proposed for liquor primary service is 229 seats with closing hours remaining unchanged from the previous Pheasant and Quail Pub license holder.
- e) Traffic and parking: The C4 parking requirements are calculated based on gross floor area, regardless of use (or occupant load). Therefore, the onsite parking is considered compliant to the C4 zone regulations.
- f) The proximity of the establishment to other social or recreational facilities and public buildings: Surrounding facilities would not conflict with the proposed establishment.
- g) Recommendation: Council recommends that the application to transfer the existing liquor license for the property located at 3110 Lakeshore Road and to expand the capacity from 169 to 229 patrons be approved.

Carried

6. Development Permit and Development Variance Permit Reports

6.1. Development Variance Permit Application No. DVP13-0073 - 5458-5460 & 5462 Lakeshore Road, Stephen & Donara Krysko

Staff:

- Summarized the application before Council.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants' Representative was present but did not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R437/13/06/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0073 for Lot 1, Section 22, Township 28, SDYD Plan EPP15367 located at 5462 Lakeshore Road; and for Lot 2, Section 22, Township 28, SDYD Plan EPP15367 located at 5458 - 5460 Lakeshore Road, Kelowna, BC;

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

Section 7.5.9 Fencing and Retaining Walls

Vary the maximum height of a retaining wall from 1.2m permitted to 3.9 metres proposed as per Schedule "A".

Carried

6.2. Temporary Use Permit Application No. TUP12-0001 - 1269 KLO Road, Pietro & Caterina Perretta

Staff:

- Summarized the application before Council.

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

- **Letters of Support:**
 - Mary & Vern Ritchie, 108-1055 Glenwood Avenue
 - John Perretta, 1450 Alta Vista Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present but does not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Blanleil/Seconded By: Councillor Hobson

R438/13/06/18 THAT Council authorizes the issuance of Temporary Use Permit No. TUP12-0001 to allow the outdoor storage of recreational vehicles from June 10, 2013 until June 10, 2016, for Lot 2, District Lot 131, ODYD, Plan 13021, Except Plan KAP78631, located on 1269 KLO Road, Kelowna, BC as shown on Map "A" attached to the Report of the Land Use Management Department dated May 28, 2013, subject to the following conditions:

- a) THAT, prior to issuance of the Temporary Use Permit, the applicant be required to register on title an easement for access for the outdoor storage of recreational vehicles via 1319-1329 KLO Road;
- b) AND THAT, prior to issuance of the Temporary Use Permit, the applicant be required to remove all vehicles, objects and structures within an area of 15 metres from the Top of Bank of Fascieux Creek and to install appropriate fencing preventing future access to this area.

Carried

6.3. Development Variance Permit Application No. DVP13-0068 - 301 West Avenue, Teresa Roechoudt

Staff:

- Summarized the application before Council.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant's Representative was present but did not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R439/13/06/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0068 for Parcel A, (DD 129455F and Plan B4490) of Lot 7, District Lot 14, ODYD, Plan 2336, located at 301 West Avenue, Kelowna, B.C;

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

Section 6.11.1 Okanagan Lake Sight Lines

Vary the Okanagan Lake Sightline from 60° to 0° proposed for the northern portion of the property, as per Schedule 'A'.

Section 13.6.6 (c) Development Regulations

To vary the front yard setback from 4.5m required to 2.5m proposed, as per Schedule 'A'.

Section 13.6.6 (c) Development Regulations

To vary the rear yard setback from 4.5m required to 2.01m proposed, as per Schedule 'A'.

Carried

- 6.4. Development Variance Permit Application No. DVP13-0071 - Unit 15, 3151-3155 Lakeshore Road, Callahan Construction Company Ltd. & 3720 Investments Ltd.

Staff:

- Summarized the application before Council.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants' Representative was present but did not have anything further to add. No one came forward.

Moved By: Councillor Stack/Seconded By: Councillor Hobson

R440/13/06/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0071 for Lot 2, District Lots 14 and 135, ODYD, Plan KAP54407, located at 3151-3155 Lakeshore Road, Kelowna, BC;

AND THAT a variance to the following section of the Sign Bylaw No. 8235 be granted:

Section 6.1 - Number of Signs Permitted Per Business Frontage in the C4 Zone

To vary the permitted number of signs along the east business frontage from two (2) signs permitted to three (3) signs proposed, as per Schedule 'A'.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 6:31 p.m.

Mayor

Deputy City Clerk

/slh