

Regular MeetingJuly 11, 2006

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, July 11, 2006.

Council members in attendance: Deputy Mayor C.M. Gran; Councillors A.F. Blanleil, C.B. Day, B.D. Given, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Mayor Sharon Shepherd and Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Acting Director of Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; Parks Manager, J. Creron*; Planner Specialist, G. Stephen*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Gran called the meeting to order at 7:30 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 26, 2006
Public Hearing, June 27, 2006
Regular Meeting, June 27, 2006

Moved by Councillor Day/Seconded by Councillor Hobson

R700/06/07/11 THAT the Minutes of the Regular Meetings of June 26 and June 27, 2006 and the Minutes of the Public Hearing of June 27, 2006 be confirmed as circulated.

4. Councillor Letnick 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. 9628 (Z06-0018) - M 124 Enterprises Ltd. (Ted Thomas & Assoc.) – 120 Old Vernon Road

Moved by Councillor Letnick/Seconded by Councillor Given

R701/06/07/11 THAT Bylaw No. 9628 be read a second and third time

Carried

5.2 Bylaw No. 9629 (Z05-0073) – Echo Mountain Development (New Town Planning Services Inc.) – 2750, 2760, 2784, 2786 & 2788 Highway 97 North

Moved by Councillor Hobson/Seconded by Councillor Given

R702/06/07/11 THAT Bylaw No. 9629 be a second and third time.

Carried

Regular Meeting

July 11, 2006

Regular MeetingJuly 11, 2006**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.3 Bylaw No. 9580 (OCP06-0003) – Official Community Plan Amendment
Requires majority vote of Council (5)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R703/06/07/11 THAT Bylaw No. 9580 be amended at first reading to renumber the amendment to policy 14.1.32 in Section 8 (a) of to 8 (b) and insert a new Section 8 (a) as follows:

- (a) insert a new policy 14.1.22 **Rutland Bench Linear Trail** in Section **14.1 Parks and Leisure Policies/Considerations in Reviewing Development Applications/Special Requirements** as follows and renumbering the subsequent policies:

“.22 **Rutland Bench Linear Trail.** Pursue an application to the Agricultural Land Commission for a linear trail originating from Highway 33 across lands above the Gopher Flats valley towards the upper McKenzie Bench and Tower Ranch. The City commits to consultation with the land owners and farmers affected by the right-of-way, and (if the application is allowed) to mitigation of the impacts of public use on farm land and farming activities, including, but not limited to:

- Fencing both sides of the right-of-way with trespass inhibiting fence,
- Making every effort to limit right-of-way expansion,
- Providing public amenities (such as washrooms, trashcans and parking areas) to ensure minimal impact on adjoining farm land.

CarriedMoved by Councillor Hobson/Seconded by Councillor Letnick

R704/06/07/11 THAT Bylaw No. 9580, as amended, be read a second and third time, and be adopted.

Carried

- 5.4 Bylaw No. 9610 (Z06-0022) – City of Kelowna – Various Properties

Moved by Councillor Given/Seconded by Councillor Letnick

R705/06/07/11 THAT Bylaw No. 9610 be read a second and third time, and be adopted.

Carried

- 5.5 Bylaw No. 9626 (OCP06-0004) – 612333 BC Ltd. (Hans Neumann) – 1642 Commerce Avenue **requires majority vote of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Blanleil

R706/06/07/11 THAT Bylaw No. 9626 be read a second and third time, and be adopted.

Carried

Regular Meeting

July 11, 2006

- 5.6 Bylaw No. 9627 (Z06-0016) – 612333 BC Ltd. (Hans Neumann) – 1642 Commerce Avenue

Moved by Councillor Blanleil/Seconded by Councillor Rule

R707/06/07/11 THAT Bylaw No. 9627 be read a second and third time, and be adopted.

Carried

- 5.7 Bylaw No. 9630 (OCP06-0013) - Amendment to Kelowna 2020 Official Community Plan Bylaw No. 7600

Moved by Councillor Day/Seconded by Councillor Rule

R708/06/07/11 THAT Bylaw No. 9630 be read a second and third time, and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated June 12, 2006 re: Development Variance Permit Application No. DVP06-0049 – Bob & Debra Mills – 642 Almandine Court

The Deputy City Clerk advised that no correspondence had been received.

Deputy Mayor Gran invited anyone in the public gallery who deemed themselves affected by the required variance to come forward.

Bob Mills, applicant:

- Nothing to add at this time.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R709/06/07/11 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0049; Lot 22, District Lot 357, SDYD Plan KAP74312, located on 642 Almandine Court, Kelowna, B.C.;

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

Section 7.5.3 – Landscaping and Screening – Fencing & Retaining Walls

Vary the maximum height for fencing from 2.0m permitted to 2.28m proposed.

Carried

Regular Meeting

July 11, 2006

6.2 Planning & Corporate Services Department, dated June 2, 2006 re: Development Variance Permit Application No. DVP05-0073 – Kourosh Rahmanian – 836 Manhattan Drive

The Deputy City Clerk advised that a 5-name petition of support had been received.

Deputy Mayor Gran invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Day

R710/06/07/11 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0073 for located on Manhattan Drive, Kelowna, B.C. 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. Prior to issuance of an Occupancy Permit, the following items be addressed:
 - Remove all living space (e.g. kitchen, bathroom, bedrooms) that was developed in the basement of the building without permits;
 - Remove all decks (with associated roof structures) that were constructed in the west side yards setback;
 - Replace the western French door on the rear elevation with a window;
 - Recess the garage doors back into the building such that a 6.0 m driveway is achieved;
 - Reduce the front entry way such that a setback of 4.5 m to the front property line is achieved (at the closest point);
 - Construct a retaining wall to allow the finished grade to be raised at the front of the property (maximum 1.2 m in height, minimum setback of 15cm from property lines). The maximum permitted combined height of the fence on top of the retaining wall is 2.0 m measure from the grade of lower property (i.e. Park property);
 - Retaining wall and fencing materials are to be submitted for review by City Staff for review. Approval of Parks Department is required for all fencing/retaining wall materials and design along west property line;
 - Raise the foundation wall of the garage to allow backfilling against it. The maximum permitted exposed wall height of the garage level is 2.0 m above finished grade;

Regular MeetingJuly 11, 2006

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

Section 13.6.6 (d) – RU6 – Two Dwelling Housing

A variance to allow a side yard setback of 2.0 m to a 2.5 storey building where 2.3 m is required;

Section 6.4.1 - Projections into Yards

A variance to allow a cantilever that is 3.4 m in length where only 3.0 m is permitted;

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.

Carried

7. BYLAWS

(BYLAW PRESENTED FOR ADOPTION)

7.1 Bylaw No. 9561 – City of Kelowna Revitalization Tax Exemption Bylaw

Moved by Councillor Day/Seconded by Councillor Rule

R711/06/07/11 THAT Bylaw No. 9561 be adopted.

Carried

(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING)

7.2 Bylaw No. 9645 (Z05-0083) - 0714422 BC Ltd. (John Hickey/Acorn Communities Ltd. – 1342 Shaunna Road

Moved by Councillor Rule/Seconded by Councillor Day

R712/06/07/11 THAT Bylaw No. 9645 be amended at first reading by deleting Section 1 and replacing it with a new Section 1 and adding Map “A” indicating that part of Lot C, Sec. 18, Twp. 27, ODYD Plan 32142, located on Shaunna Road, Kelowna, B.C., be rezoned from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone ***and*** the RU2 – Medium Lot Housing zone.

Carried

8. REMINDERS

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R713/06/07/11 THAT a Special “closed session” meeting be scheduled for 9:00 a.m. on Monday, July 17, 2006 for Council to consider the acquisition of certain improvements and related information that is prohibited from disclosure under Section 21 of the Freedom of Information and Protection of Privacy Act.

Carried

Regular Meeting

July 11, 2006

9. TERMINATION

The meeting was declared terminated at 7:47 p.m.

Certified Correct:

Deputy Mayor Gran

Deputy City Clerk

BLH/sp