

Regular MeetingAugust 22, 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, August 22, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Councillors B.D. Given and C.M. Gran.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Acting Director of Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; Community Planning Manager, T. Eichler\*; Development Planner, N. Wight\*; Traffic & Transportation Engineer, H. Thompson\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:49 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting (1:30 p.m.), August 8, 2006

Public Hearing, August 8, 2006

Regular Meeting (6:00 p.m.), August 8, 2006

Moved by Councillor Hobson/Seconded by Councillor Day

**R827/06/08/22** THAT the Minutes of the Regular Meetings of August 8, 2006 (1:30 p.m.) and August 8, 2006 (6:00 p.m.) and the Minutes of the Public Hearing of August 8, 2006 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 9646 (OCP05-0015) - Witmar Developments Ltd. (Witmar Holdings) – 1459 & 1469 KLO Road **Requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Letnick

**R828/06/08/22** THAT Bylaw No. 9646 be read a second and third time.

Carried

Councillor Letnick opposed.

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- 5.2 Bylaw No. 9647 (Z05-0066) - Witmar Developments Ltd. (Witmar Holdings) – 1459 & 1469 KLO Road

Moved by Councillor Clark/Seconded by Councillor Letnick**R829/06/08/22** THAT Bylaw No. 9647 be read a second and third time.Carried

Councillor Letnick opposed.

- 5.3 Bylaw No. 9652 (Z06-0040) - Chris Young and Nadia Spodarek (Peter J. Chataway) – 358 Cadder Avenue

Moved by Councillor Day/Seconded by Councillor Rule**R830/06/08/22** THAT Bylaw No. 9652 be read a second and third time.Carried

- 5.4 Bylaw No. 9653 (Z05-0082) - Bogdan Snarski/Benedicte Lee (Canwest Design and Drafting Ltd.) – 1886 Ambrosi Road

Moved by Councillor Rule/Seconded by Councillor Day**R831/06/08/22** THAT Bylaw No. 9653 be read a second and third time.Carried

## 6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated August 16, 2006 re: Development Variance Permit Application No. DVP06-0126 – Gerald Vazari (Apchin Design Group) – 3938 Bluebird Road

Staff:

- The application was withdrawn from the August 8, 2006 Regular Meeting agenda because the advertising of the requested variances did not accurately reflect what was being requested.

The City Clerk advised that the following correspondence had been received:

- letter of concern from the August 8, 2006 Regular Meeting from Wesley & Susan Fawcett, 3950 Bluebird Road.

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

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**R832/06/08/22** THAT Council authorize the issuance of Development Variance Permit No. DVP06-0126; Lot A, Section 1, Township 25, ODYD Plan KAP80660, located on Bluebird Road, Kelowna, B.C.;

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

**Section 6.11 – Okanagan Sightlines: 6.11.1:**

Vary the Okanagan Sightlines from 60° required on the southern side of the property to 17° proposed;

**Section 6.14 – Riparian Management Area Setbacks**

Vary the required setback from Top of Bank (from Okanagan Lake) from 15.0m required to 10.3m proposed.

AND THAT the applicant be required to adhere to the recommendations of the Riparian Area Assessment and Mitigation Plan from EBA Engineering Consultants dated May 24, 2006.

AND THAT landscaping to be provided on the land be in general accordance with Schedule "C";

AND FURTHER THAT The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

Carried

6.2 Planning & Development Services Department, dated July 10, 2006 re: Development Variance Permit Application No. DVP06-0130 – Ross & Kathy Grieve (PCL Constructors Westcoast Inc.) – 2750 Arthur Road

The City Clerk advised that no correspondence had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variances to come forward.

Tim Krogh, PCL Constructors:

- There are two environmental engineers on the job.
- Is available to answer questions if required.

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Moved by Councillor Hobson/Seconded by Councillor Day

**R833/06/08/22** THAT Council authorize the issuance of Development Variance Permit No. DVP06-0130 for Lot A, Sec, 20, Twp 23, ODYD, Plan 5370, located on Arthur Road, Kelowna, B.C.,

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

**Section 9.9.5.(b) – Dock and Boatlift Regulations**

- To obtain a variance to allow the maximum width of a dock walkway to be 7.78 m where 3.0 m is permitted;

**Section 9.9.5.(c) – Dock and Boatlift Regulations**

- To obtain a variance to alter the permitted shape of a L or T shaped dock structure to a modified shape as shown with Schedules “A” and “A-1”.

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 – Nil.

8. REMINDERS

9. TERMINATION

The meeting was declared terminated at 8:15 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk