

Regular MeetingOctober 3, 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, October 3, 2006.

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

Council members absent: Councillor C.M. Gran.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg; Acting Manager of Development Services, S. Gambacort; Development Planner, R. Smith*; Civic Properties Manager, R. Cleveland*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:52 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, September 11, 2006
 Regular Meeting, September 18, 2006
 Public Hearing, September 19, 2006
 Regular Meeting, September 19, 2006
 Regular Meeting, September 25, 2006

Moved by Councillor Given/Seconded by Councillor Day

R949/06/10/03 THAT the Minutes of the Regular Meetings of September 11, September 18, September 19 and September 25, 2006 and the Minutes of the Public Hearing of September 19, 2006 be confirmed as circulated.

Carried

4. Councillor Rule 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. 9668 (Z06-0037) - City of Kelowna – 200-210 Bernard Avenue, 220 Mill Street, 222 Queensway Avenue and 1414 Water Street

Withdrawn. Resolution adopted at the Public Hearing to reschedule this item to the October 16 Public Hearing.

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- 5.2 Bylaw No. 9669 (OCP06-0009) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Blanleil

R950/06/10/03 THAT Bylaw No. 9669 be read a second and third time.

Carried

- 5.3 Bylaw No. 9670 (Z06-0031) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road

Moved by Councillor Blanleil/Seconded by Councillor Day

R951/06/10/03 THAT Bylaw No. 9670 be read a second and third time.

Carried

- 5.4 Bylaw No. 9671 (Z06-0035) – Anita D’Angelo – 578 Cawston Avenue

Moved by Councillor Rule/Seconded by Councillor Blanleil

R952/06/10/03 THAT Bylaw No. 9671 be read a second and third time.

Carried

- 5.5 Bylaw No. 9673 (HRA06-0001) – Valerie Hallford – 429 Park Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R953/06/10/03 THAT the Heritage Revitalization Agreement that forms part of Bylaw No. 9673 be amended at first reading to require enhanced landscaping along the south and west boundaries of the property;

AND THAT Bylaw No. 9673, as amended, be read a second and third time.

Carried

Councillors Blanleil, Clark and Day opposed.

- 5.6 Bylaw No. 9674 – Valerie Hallford – 429 Park Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R954/06/10/03 THAT Bylaw No. 9674 be read a second and third time.

Carried

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6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated August 30, 2006 re: Development Permit Application No. DP05-0207 and Development Variance Permit Application No. DVP06-0139 – Georg-Michael Holzhey (John Hertay, Highline Realty Ltd.) – 350 Prince Edward Drive

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 variance to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R955/06/10/03 THAT Council authorize the issuance of Development Permit No. DP05-0207 for Fractional North-East Quarter, Section 7, Township 23, ODYD located on Prince Edward Drive, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the accessory building to be constructed on the land be in general accordance with Schedule "A (EIA Report for EBA Engineering Consultants Dated May 30, 2006)";
2. Landscaping and Environmental Mitigation to be provided on the land be in general accordance with Schedule "A (EIA Report for EBA Engineering Consultants Dated May 30, 2006)";
3. The applicant be required to post with the City a Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the habitat restoration and enhancement, as determined by an environmental report;

AND THAT the applicant be required to complete the above-noted Habitat Restoration and Enhancement related bonding requirement within 180 days of Council approval of the development permit application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0139; Fractional North-East Quarter, Section 7, Township 23, ODYD, located on Prince Edward Drive, Kelowna, B.C.;

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

Section 6.14.1: Riparian Management Area (RMA) Setbacks

Vary the setback from Okanagan Lake (top of bank) from 15.0 m required to 7.5 m proposed for the construction of an accessory building in accordance with Schedule "A" attached to the permit.

Carried

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- 6.2 Planning & Development Services Department, dated August 28, 2006 re: Development Variance Permit Application No. DVP06-0138 – Alma Wert (Dilworth Homes Inc.) – 5110 South Ridge Drive

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 variance to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Day

R956/06/10/03 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0138 for Lot13 District Lot 1688S Similkameen Division Yale District Plan KAP71342 located at 5110 South Ridge; Kelowna, B.C.

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

Section 13.2 RU2 – Medium Lot Housing: 13.2.6(c):

Vary the front yard setback from 4.5 m to 4.27 m and from 6.0 m to 5.93 m for the garage having vehicular entry at the front to accommodate the location of a recently constructed single family dwelling;

Section 13.2 RU2 – Medium Lot Housing: 13.2.6(d):

Vary the side yard setback from 1.5 m to 1.43 m at the northwest corner of the subject dwelling,

to legitimize the location of the existing single family dwelling relative to the front and side property lines.

Carried

7.0 REPORTS

- 7.0.1 Civic Properties Manager, dated October 3, 2006 re: Mission Recreation Park Aquatic Centre Site Preparation – Construction Management Contract (0760-30)

Moved by Councillor Day/Seconded by Councillor Hobson

R957/06/10/03 THAT Council Resolution No. R695/06/07/10 adopted at the Regular Meeting of Monday, July 10, 2006 be amended by adding the following:

- **AND THAT** the Civic Properties Manager be authorized to evaluate and accept or reject bids submitted in response to the public tendering process administered by the construction manager (PCL) in respect of the site preparation and preload work for the Mission Recreational Park Aquatic Centre.
- **AND THAT** the Civic Properties Manager be authorized to execute, or direct the construction manager (PCL) to execute, one or more contract(s) with such contractor(s) as recommended by the construction manager (PCL) to carry out the site preparation and preload work for the Mission Recreational Park Aquatic Centre, provided that such contract(s) do(es) not exceed \$2 Million in the aggregate.

Carried

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7. BYLAWS – Nil.
8. REMINDERS – Nil.
9. TERMINATION

The meeting was declared terminated at 9:28 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk