

Regular MeetingFebruary 6, 2007

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, February 6, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm. Letnick and Michele Rule.

Council members absent: Nil.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, S. Gambacort; Planner, Daniel Noble*; Traffic and Transportation Engineer, Harry Thompson*; and Council Recording Secretary, S.L. Horning.

(* denotes partial attendance)

EXTENSION OF MEETING

Moved by Councillor Hobson/Seconded by Councillor Letnick

R146/07/02/06 THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

Councillor Clark – Opposed

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 11:03 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, January 23, 2007

Moved by Councillor Given/Seconded by Councillor Day

R146a/07/02/06 THAT the Minutes of the Regular Meeting of January 23, 2007 be confirmed as circulated.

Carried

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)

5.01 Bylaw No. 9702 (TA06-0009) – The University of British Columbia (University of British Columbia – Campus & Community Planning) – 3140 & 3333 University Way and 4990 North Hwy 97.

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Moved by Councillor Gran/Seconded by Councillor Day

R147/07/02/06 THAT Bylaw No. 9702 be amended at first reading by replacing Map "B" with a new Map "B" to indicate a change, from the maximum 5m dedication from UBC Lands along lot line to a maximum 9m dedication.

Carried

Moved by Councillor Gran/Seconded by Councillor Day

R148/07/02/06 THAT Bylaw No. 9702, as amended, be read a second and third time.

Carried

5.02 Bylaw No. 9703 (Z06-0004) - University of British Columbia (UBC – Campus & Community Planning) – 3140 & 3333 University Way and 4990 Highway 97 North

Moved by Councillor Day/Seconded by Councillor Gran

R149/07/02/06 THAT Bylaw No. 9703 be read a second and third time.

Carried

5.03 Bylaw No. 9706 (OCP06-0018) – Gazelle Enterprises Inc. – 4760 Lakeshore Road

Moved by Councillor Gran/Seconded by Councillor Day

R150/07/02/06 THAT Bylaw No. 9706 be read a second and third time.

Carried

Mayor Shepherd and Councillors Hobson and Letnick - Opposed

5.04 Bylaw No. 9707 (Z06-0043) – Gazelle Enterprises Inc. – 4760 Lakeshore Road

Moved by Councillor Day/Seconded by Councillor Gran

R151/07/02/06 THAT Bylaw No. 9707 be read a second and third time.

Carried

Mayor Shepherd and Councillors Hobson and Letnick - Opposed

5.05 Bylaw No. 9717 (Z06-0014) - Watermark Developments Ltd. (John Hertay) – South of University Way

Council:

- Directed staff to verify the impacts on the Glenmore-Ellison Improvement District Right-of-Way area.

Moved by Councillor Day/Seconded by Councillor Gran

R152/07/02/06 THAT Bylaw No. 9717 be read a second and third time.

Carried

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5.06 Bylaw No. 9718 (Z06-0044) - Luc Bigras – 1097 Arbor View Drive

Moved by Councillor Gran/Seconded by Councillor Day

R153/07/02/06 THAT Bylaw No. 9718 be read a second and third time.

Carried

Councillor Clark - Opposed

5.07 Bylaw No. 9720 (Z06-0041) - Michael Gaspari – 679 Old Meadows Road

Moved by Councillor Given/Seconded by Councillor Gran

R154/07/02/06 THAT Bylaw No. 9720 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

5.08 Bylaw No. 9705 (OCP05-0010) – Watermark Developments Ltd. (John Hertay) – 285 Arab Road (N. of) Arab Road (S. of University Way)

Moved by Councillor Given/Seconded by Councillor Letnick

R155/07/02/06 THAT Bylaw No. 9705 be read a second and third time, and be adopted.

Carried

5.09 Bylaw No. 9710 (Z06-0064) - Masami Kostiuk (Len Suchocki) – 4334 Hazell Road

Moved by Councillor Letnick/Seconded by Councillor Given

R156/07/02/05 THAT Bylaw No. 9710 be read a second and third time, and be adopted.

Carried

5.10 Bylaw No. 9716 (Z06-0045) - Sergio Manfredi – 5221 Cobble Crescent

Moved by Councillor Clark/Seconded by Councillor Rule

R157/07/02/06 THAT Bylaw No. 9716 be read a second and third time, and be adopted.

Carried

Mayor Shepherd and Councillor Clark - Opposed

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- 5.11 Bylaw No. 9723 (TA06-0007) – Deanne Leung – (Deanne & Chi-Hang Leung) – 1369 Richter Street

Moved by Councillor Clark/Seconded by Councillor Rule

R158/07/02/06 THAT Bylaw No. 9723 be read a second and third time, and be adopted.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 5.12 Bylaw No. 9726 (TA06-0007) – Deanne Leung – (Deanne & Chi-Hang Leung) – 1369 Richter Street

Moved by Councillor Clark/Seconded by Councillor Rule

R159/07/02/06 THAT Bylaw No. 9726 be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.01 Planning & Development Services Department, dated December 5, 2006 re: Development Permit Application No. DVP06-0181 and Development Variance Permit Application No. DP06-0214 – Simple Pursuits Inc. (Worman Resources Inc.) – 1660 Pandosy Street

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

- letter of opposition from E.R. (Ted) Grimwood, President-Wasco Holdings Ltd., 347 Leon Avenue

Mayor Shepherd invited everyone in the public gallery who deemed themselves affected by the required development and variance to come forward. There was no response.

Moved by Councillor Given/Seconded by Councillor Letnick

R160/07/02/06 THAT Council authorize the issuance of Development Permit No. DP06-0181 for Lot B, D.L. 139, ODYD, Plan 27885, located on Pandosy Street, 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", including visual treatment on the concrete block wall of the west elevation, to include painting blocks to match colour of proposed brick; and back lighting on the proposed fabric canopies for the ground floor;
3. The requirements of the Inspection Services Department, Parks Department and Works & Utilities Department being completed to their satisfaction;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0214; for Lot B, D.L. 139, ODYD, Plan 27885, located on Pandosy Street, Kelowna, B.C.;

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

- **Section 14.7.5 (e) – Central Business Commercial Development Regulations**

A variance to relax the setbacks applicable to height for any portion of a building above 15 m in height to be varied to 16.46 m which requires a minimum of 3 m from any property line abutting a street.

- **Section 8.1 – Parking and Section 8.2 - Loading Requirements**

A variance to relax the parking stall requirements from 54 required to 45 proposed; and to vary the loading stall requirements from 2 stalls required to 0 proposed.

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

6.02 Planning & Development Services Department, dated December 29, 2006 re: Development Variance Permit Application No. DVP06-0146 – Rob and Charmeyn Martell – 948-950 Fuller Avenue

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

Mayor Shepherd invited everyone in the public gallery who deemed themselves affected by the required development and variance to come forward.

Applicant (Rob Martell):

- Explained the need for the variances.

Moved by Councillor Hobson/Seconded by Councillor Day

R161/07/02/06 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0146 for Parcel C (being a consolidation of Lots 29 and 30, See LA148302), District Lot 138, ODYD, Plan 1102, located on Fuller Avenue, 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";

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

Section 13.6.6 (e) Rear Yard Setback

A variance to the rear yard setback requirement, allowing a setback of 3.0 m where 6.0 m is required;

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 – Nil.

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9. TERMINATION

The meeting was declared terminated at 11:46 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/am