

Regular MeetingFebruary 20, 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 20, 2007.

Council members in attendance: Deputy Mayor Colin Day\*, Councillors Andrew. Blanleil, Barrie Clark, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule\*.

Council members absent: Mayor Sharon Shepherd

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, Allison Flack; Acting Manager of Development Services, Shelley Gambacort; and Planner, Cory Gain.

Non-staff: Acting-Council Recording Secretary, Connie Neid.

(\* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Colin Day called the meeting to order at 7:52 p.m.

2. A prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M., January 29, 2007  
 Regular Meeting P.M., January 29, 2007  
 Regular Meeting P.M., February 5, 2007  
 Public Hearing, February 6, 2007  
 Regular Meeting, February 6, 2007  
 Regular Meeting A.M., February 12, 2007  
 Regular Meeting P.M., February 12, 2007

Moved by Councillor Hobson/Seconded by Councillor Gran

**R207/07/02/20** THAT the Minutes of the Regular Meetings of January 29, February 5, February 6 and February 12, 2007 and the Minutes of the Public Hearing of February 6, 2007 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)**

The City Clerk advised that items 5.01, 5.03 and 5.04 could be considered for adoption as there were no further outstanding conditions.

5.01 Bylaw No. 9714 (Z06-0060) – Paul and Ruby Leinemann – 1190 Raymer Avenue

Moved by Councillor Given/Seconded by Councillor Letnick

**R208/07/02/20** THAT Bylaw No. 9714 be read a second and third time, and be adopted.

Carried

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- 5.02 Bylaw No. 9715 (Z06-0046) – Simran Enterprises (T. Thomas & Associates) – 370 Hartman Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R209/07/02/20** THAT Bylaw No. 9715 be read a second and third time.

Carried

- 5.03 Bylaw No. 9719 (Z06-0059) – Leigh and Carrie Sloan – 4584 Raymer Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R210/07/02/20** THAT Bylaw No. 9719 be read a second and third time and be adopted.

Carried

- 5.04 Bylaw No. 9721 (Z06-0056) – Brian and Cheryl Kokayko – 4523 Gordon Drive

Moved by Councillor Rule/Seconded by Councillor Letnick

**R211/07/02/20** THAT Bylaw No. 9721 be read a second and third time.

Carried

Councillor Clark opposed.

- 5.05 Bylaw No. 9724 (OCP06-0008) – Okanagan Jewish Community Association (Hans Neumann Maibc) – 108 Glenmore Road North.  
***Requires a majority of all Members of Council (5).***

Councillor Rule declared a conflict of interest because she owns property within the notification area for the bylaws under items 5.05 and 5.06, and left the Chamber at 7:57 p.m.

Moved by Councillor Clark/Seconded by Councillor Letnick

**R212/07/02/20** THAT Bylaw No. 9724 be read a second and third time.

Carried

- 5.06 Bylaw No. 9725 (Z06-0030) – Okanagan Jewish Community Association (Hans Neumann) – 108 Glenmore Road North

Moved by Councillor Clark/Seconded by Councillor Letnick

**R213/07/02/20** THAT Bylaw No. 9725 be read a second and third time.

Carried

Councillor Rule returned to the Chamber at 7:58 p.m.

- 5.07 Bylaw No. 9729 (Z05-0021) – Colin B. Day (Kathleen McKenzie) – 1075 Henderson Drive

Deputy Mayor Colin Day declared a conflict of interest with regard to the bylaws under

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items 5.07, 5.08 and 5.09 because he has an ownership interest in one of the subject properties, which is adjacent to the other subject property, and left the Chamber at 7:59 p.m.

Councillor Carol Gran took the chair.

Moved by Councillor Clark/Seconded by Councillor Letnick

**R214/07/02/20** THAT Bylaw No. 9729 be read a second and third time.

Carried

5.08 Bylaw No. 9732 (OCP06-0021) – Melcor Lakeside Inc. (Stantec Consulting Ltd.) – Swainson/Treetop Roads & Black Mountain Drive. ***Requires a majority of all Members of Council (5).***

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R215/07/02/20** THAT Bylaw No. 9732 be read a second and third time.

Carried

5.09 Bylaw No. 9733 (Z06-0054) – Melcor Lakeside Inc. (Stantec Consulting Ltd.) – Swainson/Treetop Roads & Black Mountain Drive

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R216/07/02/20** THAT Bylaw No. 9733 be read a second and third time.

Carried

Deputy Mayor Colin Day returned to the Chamber at 8:02 p.m. and resumed the chair.

**(BYLAWS PRESENTED FOR ADOPTION)**

5.10 Bylaw No. 9660 (OCP06-0012) – Rancar Services Ltd. – (Randy Villeneuve, Rancar Services Ltd.) – 644 Lequime Road. ***Requires a majority of all Members of Council (5).***

Moved by Councillor Given/Seconded by Councillor Letnick

**R217/07/02/20** THAT Bylaw No. 9660 be adopted.

Carried

5.11 Bylaw No. 9661 (Z06-0034) – Rancar Services Ltd. (Randy Villeneuve, Rancar Services Ltd.) – 644 Lequime Road.

Moved by Councillor Given/Seconded by Councillor Letnick

**R218/07/02/20** THAT Bylaw No. 9661 be adopted.

Carried

5.12 Bylaw No. 9737 (Housing Agreement) – Housing Agreement Authorization Bylaw – Rancar Services Ltd. – 644 Lequime Road

Moved by Councillor Hobson/Seconded by Councillor Given

Regular MeetingFebruary 20, 2007**R219/07/02/20** THAT Bylaw No. 9737 be adopted.Carried**6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS**

6.01 Planning & Development Services Department, dated January 25, 2007 re: Development Permit Application No. DP06-0110 and Development Variance Permit No. DVP06-0114 – Rancar Services Ltd. (Randy Villeneuve, Rancar Services Ltd. – 644 Lequime Road

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

- 5 Letters in Opposition:
  - o Cindy Henderson, 203-680 Lequime Road
  - o Michelle and Randy Watson, 405-680 Lequime Road
  - o Donna Nicol, 311-634 Lequime Road
  - o Elaine Lovecky and David Shearing, 205-680 Lequime Road
  - o Gerty Parker, 403-680 Lequime Road
- 1 Letter of Concern:
  - o Roger Hughes, The KAS1812 Condo Association, 209-634 Lequime Road
- 1 Letter in Favour:
  - o Scott and Melissa Butler, 302-660 Lequime Road

Deputy Mayor Colin Day invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variance to come forward.

There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R220/07/02/20** THAT Final Adoption of Zone Amending Bylaw No. 9661 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0110 for Lot A, Section 6, Township 26, ODYD Plan 24496, located on Lequime Road, Kelowna, B.C. subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0114; for Lot A, Section 6, Township 26, ODYD Plan 24496, located on Lequime Road, Kelowna, B.C.;

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

**Section 13.10 – Transitional Low Density Housing: 13.10.6(c)**

Vary the height from 3 storeys permitted to 3.5 storeys 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 January 24, 2007, 2007 re: Development Variance Permit Application No. DVP06-0177 – Orchard Park Shopping Centre Holdings Inc., McIntosh Properties Ltd. (Cohos-Evamy, Susan Carter) – 2271 Harvey Avenue

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

- Letter in Opposition:
  - o Ed Innes, 603-1966 Durnin Road

Deputy Mayor Colin Day invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variance to come forward.

There was no response.

Moved by Councillor Rule/Seconded by Councillor Letnick

**R221/07/02/20** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0177; Cohos Evamy; Lot 2, DL 127, O.D.Y.D., Plan 32650, Exc. Plan KAP47935, Lot 1, DL 127 & 4646, O.D.Y.D., Plan KAP47934, Lot 1, DL 127, O.D.Y.D., Plan KAP53260, Exc. Plan KAP56123, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

**Section 6 – Specific Zone Regulations;**

Vary the maximum number of Fascia signs permitted from 2 per business permitted to 7 signs proposed,

Vary the maximum total area permitted for Fascia signs from 0.8 m<sup>2</sup> per lineal m of building frontage to 1.01 m<sup>2</sup> per lineal m of building frontage to a maximum of 20% of the wall it is attached to.

Carried

Councillors Clark and Hobson opposed.

6.03 Planning & Development Services Department, dated January 24, 2007, 2007 re: Development Variance Permit Application No. DVP06-0178 – Orchard Park Shopping Centre Holdings Inc., McIntosh Properties Ltd. (Cohos-Evamy, Susan Carter) – 2271 Harvey Avenue

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

- Letter in Opposition:
  - o Ed Innes, 603-1966 Durnin Road

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Deputy Mayor Colin Day invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variance to come forward.

There was no response.

Moved by Councillor Letnick/Seconded by Councillor Given

**R222/07/02/20** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0178; Cohos Evamy; Lot 2, DL 127, O.D.Y.D., Plan 32650, Exc. Plan KAP47935, Lot 1, DL 127 & 4646, O.D.Y.D., Plan KAP47934, Lot 1, DL 127, O.D.Y.D., Plan KAP53260, Exc. Plan KAP56123, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

**Section 6 – Specific Zone Regulations;**

Vary the maximum number of Fascia signs permitted from 2 per business permitted to 4 signs proposed.

Carried

Councillors Clark and Hobson opposed.

6.04 Planning & Development Services Department, dated January 24, 2007 re: Development Variance Permit Application No. DVP06-0179 – Orchard Park Shopping Centre, McIntosh Properties Ltd. (Cohos-Evamy, Susan Carter) – 2271 Harvey Avenue

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

- Letter in Opposition:
  - o Ed Innes, 603-1966 Durnin Road

Deputy Mayor Colin Day invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variance to come forward.

There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R223/07/02/20** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0179; Cohos Evamy; Lot 2, DL 127, O.D.Y.D., Plan 32650, Exc. Plan KAP47935, Lot 1, DL 127 & 4646, O.D.Y.D., Plan KAP47934, Lot 1, DL 127, O.D.Y.D., Plan KAP53260, Exc. Plan KAP56123, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

**Section 6 – Specific Zone Regulations;**

Vary the maximum number of Fascia signs permitted from 2 per business permitted to 11 signs proposed,

Carried

Councillors Clark and Hobson opposed.

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- 6.05 Planning & Development Services Department, dated January 25, 2007 re: Development Permit No. DP07-0014 and Development Variance Permit No. DVP07-0015 – City of Kelowna – 353 Boyce Crescent

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

Deputy Mayor Colin Day invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variance to come forward.

Lawyer representing the strata corporation at the subject property:

- urged Council to support the staff recommendation.

Moved by Councillor Hobson/Seconded by Councillor Clark

**R224/07/02/20** THAT Council authorize the issuance of Development Permit No. DP07-0014 for Strata Lots 1-20, District Lot 319, ODYD Strata Plan K47 located on Boyce Crescent, Kelowna, B.C. subject to the following:

- a. Mitigation/Restoration to be provided on the land be in general accordance with Schedule "A";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0015; Strata Lots 1-20, District Lot 319, ODYD Strata Plan K47, located on Boyce Crescent, Kelowna, B.C.;

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

**Section 8 – Parking and Loading: 8.1.9(b)**

Vary off-street parking location provisions to allow 5 stalls in a required front yard where none are permitted.

**Section 8 – Parking and Loading: 8.3.2(b)**

Vary the forward entry to and exit from provisions to allow for rear exit movements for parking stalls where it would otherwise not be permitted.

**Section 8 – Parking and Loading: 8.3.3:**

To vary the requirement that no public street be used for the required aisle access to parking space in order to allow a public street to be used as the required aisle access to parking spaces.

AND THAT variances to the following sections of Official Community Plan Bylaw No. 7600 be granted:

**Section 7 – Environment: Table 7-1: Riparian Management Area Setbacks**

Vary the Mill Creek Setback to the new parking area for properties located downstream of Hardy Road from 15 m required to 11.0 m.

Carried

7. BYLAWS PRESENTED FOR ADOPTION

- 7.01 Bylaw No. 9678 – City of Kelowna Road Closure and Removal of Highway Dedication, Boyce Crescent Road Bylaw No. 9678.

Deputy Mayor Colin Day invited anyone in the gallery who deemed themselves by the proposed road closure to come forward.

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There was no response.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R225/07/02/20** THAT Bylaw No.9678 be adopted.

Carried

8. REMINDERS - Nil

9. TERMINATION

The meeting was declared terminated at 8:26 p.m.

Certified Correct:

\_\_\_\_\_  
Deputy Mayor, Colin Day

\_\_\_\_\_  
Councillor Carol Gran

\_\_\_\_\_  
City Clerk

CN/af/slh