

Regular MeetingApril 17, 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, April 17, 2007.

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

Council members absent: Councillors Carol Gran and Norm Letnick.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, Allison Flack; Acting Manager of Development Services, Shelley Gambacort; Planner, Nelson Wight; Planner, Danielle Noble; Roadways/Equipment Superintendent, Dale Beaudry; Civic Properties Projects Supervisor, Martin Johansen; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:12 p.m.

2. A prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – April 2, 2007
 Regular Meeting P.M. – April 2, 2007
 Public Hearing – April 3, 2007
 Regular Meeting – April 3, 2007
 Special Meeting – April 10, 2007

Moved by Councillor Given/Seconded by Councillor Hobson

R418/07/04/17 THAT the Minutes of the Regular Meetings of April 2 and April 3, 2007 and the Minutes of the Public Hearing of April 3, 2007 and the minutes of the Special Meeting of April 10, 2007 be confirmed as circulated.

Carried

4. Councillor Rule was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

Councillor Given left the meeting at 8:13 p.m. because he had been absent during the Public Hearing for the next two (2) items.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 9755 (Z06-0057) – Pacific Sun Enterprises Ltd. – 1849 Chandler Street

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Moved by Councillor Day/Seconded by Councillor Blanleil

R419/07/04/17 THAT Bylaw No. 9755 be read a second and third time.

Carried

5.2 Bylaw No. 9757 (Z07-0001) – National Society of Hope – 2071 Gordon Drive

Moved by Councillor Day/Seconded by Councillor Blanleil

R420/07/04/17 THAT Bylaw No. 9757 be read a second and third time.

Carried

Councillor Given returned to the meeting at 8:15 p.m.

5.3 Bylaw No. 9761 (Z03-0065) – City of Kelowna (Bob Turik) – 1370 Bertram Street & 555 Fuller Avenue

Moved by Councillor Blanleil/Seconded by Councillor Day

R421/07/04/17 THAT Bylaw No. 9761 be read a second and third time.

Carried

5.4 Bylaw No. 9763 (Z07-0006) – Donald Gordon (Philip Macdonald Architect Inc.) – 734 Martin Avenue

Moved by Councillor Day/Seconded by Councillor Blanleil

R422/07/04/17 THAT Bylaw No. 9763 be read a second and third time.

Carried

Councillor Given left the meeting at 8:18 p.m. because he had been absent during the Public Hearing for Item 5.6.

5.5 Bylaw No. 9765 (Z06-0065) – T248 Enterprises Ltd. – 1379 & 1383 Richter Street, 726 Stockwell Avenue

Moved by Councillor Clark/Seconded by Councillor Blanleil

R423/07/04/17 THAT Bylaw No. 9765 be read a second and third time.

Carried

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- 5.6 Bylaw No. 9736 (OCP07-0005) – Text Amendment Natural Environment/Hazardous Condition Development Permit Area Designation Bylaw No. 7600

Moved by Councillor Clark/Seconded by Councillor Blanleil

R424/07/04/17 THAT Bylaw No. 9736 be read a second and third time, and be adopted.

Carried

Councillor Given returned to the meeting at 8:21 p.m.

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Planning & Development Services Department, dated March 13, 2007 re: Liquor Licensing Application No. LL06-0013 – JQ Developments (Quinn Best) – 248 Leon Avenue

This item was withdrawn from the Agenda.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9636 (Z06-0027) – Richard Beavington – 510 Rutland Road North

Moved by Councillor Blanleil/Seconded by Councillor Clark

R425/07/04/17 THAT Bylaw No. 9636 be adopted.

Carried

- (b) Planning & Development Services Department, dated March 21, 2007 re: Development Permit Application No. DP06-0087 and Development Variance Permit Application No. DVP06-0081 – Richard Beavington – 510 Rutland Road North

Staff:

- Confirmed that the Development Permit process provides for a 180 day limitation period to complete the Development Permit conditions, however, the building permit process does not provided a specific limitation period to complete the work so long as progress continues to be made.

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

- Letter of Concern:
 - o Vance Deimling & Elaine Blok, 500 Rutland Road North

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- Letters of Opposition:
 - o Jack & Elaine Senger, 135 Leathead Road
 - o Dan & Val Snodgrass, 530 Rutland Road North
 - o D. & C. Van der Gulik, 520 Rutland Road North
- Petition of Opposition with 9 signatures

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Applicant, Richard Beavington:

- Currently resides at 510 Rutland Road.
- Confirmed that the property site has access from Rutland Road and Montgomery Road.
- Committed to completing the exterior re-design of the property within 6 months (which will also include occupancy of the property)

Jack Senger, 135 Leathead Road

- Concerned that the applicant hasn't even finished the first house on the property, and is now wanting to put another building on the property

Mrs. Van der Gulik, 520 Rutland Road North

- Believes that the house is too big for the property and should be moved.

Dan Snodgrass, 530 Rutland Road North

- Believes that the house is too big for the property and should be moved.

Bill Wostradowski, 295 Dudgeon Road

- Concerned about the size of the house on the lot and the fact that the house was moved to the location (on a temporary basis) pending adoption of the zoning and the Development Permit process.

Applicant, Richard Beavington:

- The house appears to be big because it has 9 foot ceilings.
- The footprint of the house is actually 800 sq ft, while the original house on the property was 700 sq ft.

Staff:

- Confirmed that by passing the zoning, the lot is now legal non-conforming, and that the variance requested simply removes the non-conformity. The house could remain even if the variance were denied, so long as the Development Permit was issued.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Clark

R426/07/04/17 THAT final adoption of Zone Amending Bylaw No. 9636 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0087 for The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, 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";

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3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. 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. DVP06-0081 for The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, Kelowna, B.C.;

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

Section 13.7.5 Subdivision Regulations (Lot Width)

A variance to allow a lot width of 18.2 m where 20.0 m is required.

Carried

- 7.2 Planning & Development Services Department, dated March 9, 2007, 2007 re: Development Variance Permit Application No. DVP07-0013 – City of Kelowna (Martin Johansen) – 1495 Hardy Street

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Clark/Seconded by Councillor Hobson

R427/07/04/17 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0013 for Lot B, District Lot 140, ODYD, Plan KAP62742, located on Hardy Street, Kelowna, B.C.;

AND THAT a variance to the following section of Official Community Plan Bylaw No. 7600 be granted:

Table 7.1: Riparian Management Area Setbacks; Line 21 (Mill Creek)

A variance to the Riparian Management Area Setback requirement for Mill Creek (upstream of Hardy Road), proposing a setback of 14.91m where 30m is required.

Carried

8. REMINDERS – Nil.

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9. TERMINATION

The meeting was declared terminated at 8:57 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dd