

Regular MeetingMay 29, 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, May 29, 2007.

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

Council members absent: Councillor Carol Gran.

Staff members in attendance were: Acting City Manager, Rick Baker; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg; Development Services Manager, Carlos Felip; Current Planning Supervisor, Shelley Gambacort; Community Planning Manager, Theresa Eichler\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:33 p.m.

2. A Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – May 14, 2007

Regular Meeting P.M. – May 14, 2007

Public Hearing – May 15, 2007

Regular Meeting – May 15, 2007

Moved by Councillor Given/Seconded by Councillor Day

**R586/07/05/29** THAT the Minutes of the Regular Meetings of May 14<sup>th</sup> and May 15<sup>th</sup> 2007 and the Minutes of the Public Hearing of May 15<sup>th</sup>, 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 AND ADOPTION)**

5.1 Bylaw No. 9766 (TA07-0001) – Text Amendment No. TA07-0001 to the City of Kelowna Zoning Bylaw No. 8000 (City of Kelowna) – Housekeeping Amendments

Moved by Councillor Clark/Seconded by Councillor Rule

**R587/07/05/29** THAT Bylaw No. 9766 be read a second and third time and be adopted.

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- 5.2 Bylaw No. 9786 (Z07-0017) – Dennis and Corinne Wardell – 1496 Kloppenburg Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R588/07/05/29** THAT Bylaw No. 9786 be read a second and third time and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated March 27, 2007 re: Heritage Alteration Permit Application No. HAP07-0004 – Robert and Lori Oliver (San Marc Custom Homes) – 272 Burne Avenue

The Deputy 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 Hobson/Seconded by Councillor Day

**R589/07/05/29** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP07-0004; for Lot C, District Lot 14, ODYD Plan KAP47541, located at 272 Burne 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";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B".

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

Section 13.1.6 (d) – Large Lot Housing: Development Regulations: To vary the sideyard setback for a two storey building from a flanking street from the 4.5m required to 2.5m proposed.

Carried

6.2 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9771 (TA07-0003) – Dr. Howard Davidson Inc. (Howard Davidson) – 764 Bernard Avenue

Moved by Councillor Blanleil/Seconded by Councillor Day

**R590/07/05/29** THAT Bylaw No. 9771 be adopted.

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- (ii) Bylaw No. 9772 (Z07-0022) – Dr. Howard Davidson Inc. (Howard Davidson) – 764 Bernard Avenue

Moved by Councillor Day/Seconded by Councillor Blanleil**R591/07/05/29** THAT Bylaw No. 9772 be adopted.Carried

- (b) Planning & Development Services Department, dated May 3, 2007 re: Development Variance Permit Application No. DVP06-0230 – Dr. Howard Davidson Inc. (Howard Davidson) – 764 Bernard Avenue

The Deputy 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 Letnick/Seconded by Councillor Given

**R592/07/05/29** THAT final adoption of Zone Amending Bylaw No. 9772 and Text Amending Bylaw 9771 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0230 for Lot 8, Block 12, District Lot 138, O.D.Y.D., Plan 202, located on Bernard Avenue, Kelowna, B.C.;

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

Section 8.1.2 Number of Vehicle Parking Spaces (Health Services)  
A variance to allow a reduction in the number of required parking spaces from six (6) to four (4), plus one (1) required space for the secondary suite.

Carried

6.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9778 (Z07-0009) – George Tivy and Marilyn Miller – 4573 Horak Road

Moved by Councillor Hobson/Seconded by Councillor Day**R593/07/05/29** THAT Bylaw No. 9778 be adopted.Carried

- (b) Planning & Development Services Department, dated May 5, 2007 re: Development Variance Permit Application No. DVP07-0049 – George Tivy and Marilyn Miller – 4573 Horak Road

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

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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 Hobson/Seconded by Councillor Letnick

**R594/07/05/29** THAT final adoption of Zone Amending Bylaw No. 9778 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0049 for Lot C, District Lot 357, S.D.Y.D., Plan 18353, located on Horak Road, Kelowna, B.C.;

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

Section 9.5.1 (d) Secondary Suites (Siting of Accessory Building Containing a Suite)

A variance to allow an accessory building – which accommodates a secondary suite – to be located between the front yard and the principal dwelling unit, where it would not otherwise be permitted.

Carried

6.4 Planning & Development Services Department, dated April 25, 2007 re: Development Variance Permit Application No. DVP07-0023 – Legum Management (Stroma Sign Group Inc.) – 1665 Ellis Street

Councillors Clark and Hobson declared a conflict of interest as they have a professional relationship with the applicant and left the meeting at 6:44 p.m.

The Deputy City Clerk advised that no following 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.

Patrick Martin, Stroma Sign Group

- Advised that other buildings in the area have similar signs on the top floor and showed various pictures to demonstrate this fact.

James Paterson, Partner at Pushor Mitchell, 1665 Ellis Street

- Advised that they just completed a very large expansion to their current business premises and feel that the proposed signage is in keeping with the neighbourhood and is very tasteful.

There were no further comments.

Moved by Councillor Given/Seconded by Councillor Letnick

**R595/07/05/29** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP07-0023; Stroma Sign Group Inc.; Lot A, DL 139, O.D.Y.D., Plan KAP75786, located on Ellis Street, Kelowna, B.C.;

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

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Section 5.5.3 be varied to allow 3 fascia signs to be located greater than 1.0 m above the second storey, on the fourth storey of the existing building, in general accordance with Schedule "A"

Carried

Councillor Clark rejoined the meeting at 6:53 p.m.

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

The meeting was declared terminated at 6:54 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/dd