

Regular MeetingJune 26, 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, June 26th, 2007.

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

Council members absent: Councillor Andre Blanleil

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, Stephen Fleming; Acting Director of Planning & Development Services, David Shipclark; Current Planning Manager, Shelley Gambacort and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:55 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – June 11, 2007
 Regular Meeting P.M. – June 11, 2007
 Public Hearing, June 12, 2007
 Regular Meeting, June 12, 2007
 Regular Meeting A.M. – June 18, 2007
 Regular Meeting P.M. – June 18, 2007

Moved by Councillor Day/Seconded by Councillor Given

R653/07/06/26 THAT the Minutes of the Regular Meetings of June 11th, 2007, June 12th, 2007 and June 18th, 2007 and the Minutes of the Public Hearing of June 12, 2007 be confirmed as circulated.

Carried

4. Councillor Rule 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. 9801 (Z07-0025) – 622632 BC Ltd. (Matrix Architecture and Planning Inc.) – 110-150 Highway 33 West
To rezone the subject property from the C4 – Urban Centre Commercial zone to the C7 – Central Business Commercial zone in order to construct a new Fourteen Storey Mixed-Use Commercial/Residential Building.

Moved by Councillor Given/Seconded by Councillor Letnick

R654/07/06/26 THAT Bylaw No. 9801 be read a second and third time.

Carried

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Council:

- Encouraged applicant to touch base with Public Art Committee to address some sort of recognition to John Rutland.

- 5.2 Bylaw No. 9805 (OCP07-0007) – Okanagan Families Society – 630 Cadder Avenue **(Requires a majority of all Members of Council (5) and adopted in conjunction with and before Bylaw No. 9806)**
To amend the future land use of the subject property from the Single/Two Family Residential Designation to the Education/Major Educational Designation.

Moved by Councillor Clark/Seconded by Councillor Letnick**R655/07/06/26** THAT Bylaw No. 9805 be read a second and third time.Carried

- 5.3 Bylaw No. 9806 (Z07-0019) – Okanagan Families Society – 630 Cadder Avenue **(Adopted in conjunction with and after Bylaw No. 9805)**
To rezone the subject property from the from the Ru6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone

Moved by Councillor Gran/Seconded by Councillor Day**R656/07/06/26** THAT Bylaw No. 9806 be read a second and third time.Carried

- 5.4 Bylaw No. 9807 (OCP07-0011) – Lucille and Eugene Franke and Troika Developments Inc. – 1663 Loseth Road and 1661 Highway 33 East **(Requires a majority of all Members of Council (5) and be adopted in conjunction with and before Bylaw No. 9808)**
To amend the future land use of the subject property from Single/Two Family Residential to Multiple Unit Residential – Low Density.

Moved by Councillor Day/Seconded by Councillor Gran**R657/07/06/26** THAT Bylaw No. 9807 be read a second and third time.Carried

- 5.5 Bylaw No. 9808 (Z07-0024) – Lucille and Eugene Franke and Troika Developments Inc. – 1663 Loseth Road and 1661 Highway 33 East **(Requires a majority of all Members of Council (5) and be adopted in conjunction with and after Bylaw No. 9807)**
To rezone the subject property from the A1 – Agriculture 1 and the Ru1-Large Lot Housing Zone to the Rm3 - Low Density Multiple Housing to allow for the construction of a 3 Storey, 54 Unit Townhouse Development.

Moved by Councillor Gran/Seconded by Councillor Day**R658/07/06/26** THAT Bylaw No. 9808 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 May 18, 2007 re: Development Permit Application No. DP07-0031 and Development Variance Permit Application No. DVP07-0032 – Debra Scott (Peter J. Chataway) – 795 Bernard Avenue **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**

To obtain a Development Permit to allow the conversion of the existing accessory building into a secondary suite; To vary the setback between the principal dwelling and accessory building with suite from 5.0m required to 3.88m proposed.

Staff:

- No concerns and are in support.

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

- Nil

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

Applicant – Peter Chataway – Agent for the Owner

Accessory building was built in 2002. Original building was used as a garage. Received 5 letters of support and one letter of support from the Residents Association.

Moved by Councillor Letnick/Seconded by Councillor Gran

R659/07/06/26 THAT Council authorize the issuance of Development Permit No. DP07-0031 for Lot 19, Block 15, District Lot 138, ODYD Plan 262, located on Bernard 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";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0032; Lot 19, Block 15, District Lot 138, ODYD Plan 262, located on Bernard Avenue, Kelowna, B.C.;

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

Section 13.6 – Two Dwelling Housing: 13.6.7: Other Regulations: (c)

Vary the setback between a principal building and accessory building with secondary suite from 5.0m required to 3.88m proposed.

Carried

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- 6.2 Planning & Development Services Department, dated May 18, 2007, 2007 re: Development Permit Application No. DP07-0084 and Development Variance Permit Application No. DVP07-0085 – Keith Garvin – 1025 Laurier Avenue **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**
To obtain a Development Permit; To vary the maximum allowable floor area for a secondary suite in a principal building.

Staff:

- Recommending in favour of the variance of this application.

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

- Nil

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

Applicant's Representative – Tom Tura – Tura Design

- Present to answer any questions.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R660/07/06/26 THAT Council authorize the issuance of Development Permit No. DP07-0084 for Lot 3, District Lot 138, ODYD, Plan 2832, located on 1025 Laurier Avenue, Kelowna, B.C. subject to the following:

1. The exterior design and finish of the building to be constructed in general accordance with Schedule "A";
2. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "B" & "C";

AND 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.

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0085 for Lot 3, District Lot 138, ODYD, Plan 2832, located on 1025 Laurier Avenue, Kelowna, B.C. subject to the following:

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

Section 9.5.4 Secondary Suites – Maximum Floor Area

To obtain a Development Variance Permit to allow a secondary suite area of 57.5 m² or 46% of the principal building, where the maximum allowable floor area is the lesser of 90 m² or 40 % of the principal building.

Carried

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- 6.3 Planning & Development Services Department, dated May 22, 2007 re: Development Variance Permit Application No. DVP07-0093 – Janis Mason (Holden’s Draughting & Design) – 2004 Dewdney Road **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**
To vary the restriction of accessory buildings within the front yard setback to allow an accessory building in the required front yard; To vary the front yard setback from 12.0m required to 6.0m proposed for the construction of an accessory building on the subject property.

Staff:

- Recommending in favour of this application.

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

- Nil

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 stepped forward.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R661/07/06/26 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0093; Lot 2, Sec. 17, Twp. 23, ODYD Plan 13064, located on Dewdney Road, Kelowna, B.C.

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

Section 6.5.4 – Accessory Buildings in Residential Zones

Vary the restriction of accessory buildings within the front yard setback to allow an accessory building in the required front yard.

Section 6.5.8 (a) - Accessory Development - Setbacks

Vary the front yard setback from 12.0m required to 6.0m proposed to allow for the construction of an accessory building.

Carried

7. BYLAWS - None
8. REMINDERS - None
9. TERMINATION

The meeting was declared terminated at 8:21 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld