

Regular MeetingAugust 21, 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, August 21<sup>st</sup>, 2007.

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

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Manager, Policy, Research & Strategic Planning, Signe Bagh\*, Planner, Paul McVey\*, Planner, Nelson Wight\*, Current Planning Manager, and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:00 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting P.M. – August 7, 2007 (afternoon)  
Public Hearing Meeting – August 7, 2007  
Regular Meeting – August 7, 2007

Moved by Councillor Given/Seconded by Councillor Hobson

**R821/07/08/21** THAT the Minutes of the Regular Meetings of August 7<sup>th</sup>, 2007 and the Minutes of the Public Hearings of August 7<sup>th</sup>, 2007 be confirmed as circulated.

Carried

4. Councillor Given 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. 9839 (OCP07-0009) – 0763831 BC Ltd. (Bob Guy) – 1315, 1325, 1345 Highway 33 W and 145, 155 and 165 Taylor Road

Moved by Councillor Given/Seconded by Councillor Blanleil

**R822/07/08/21** THAT Bylaw No. 9839 be read a second and third time.

Carried

5.2 Bylaw No. 9840 (Z07-0026) – 0763831 BC Ltd. (Bob Guy) – 1315, 1325, 1345 Highway 33 W. and 145, 155, 165 Taylor Road

Moved by Councillor Blanleil/Seconded by Councillor Given

**R823/07/08/21** THAT Bylaw No. 9840 be read a second and third time.

Carried

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Moved by Councillor Letnick/Seconded by Councillor Rule

**R824/07/08/21** AND THAT final adoption of the OCP Amending Bylaw and Zone Amending Bylaw be considered in conjunction with final adoption of a Housing Agreement Bylaw for affordable housing units.

Carried

- 5.3 Bylaw No. 9832 (OCP07-0010) – Official Community Plan Amendment – T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580, 1596 Dickson Avenue

Moved by Councillor Rule/Seconded by Councillor Clark

**R825/07/08/21** THAT Bylaw No. 9832 be read a second and third time.

Carried

Council:

- This area does not have a name. We should have a proper name and perhaps look at it at the OCP review stage.

Moved by Councillor Hobson/Seconded by Councillor Given

**R826/07/08/21** THAT Council direct staff to look into the impact of parking in the Dickson Avenue area along with some solutions and report back.

Carried

- 5.4 Bylaw No. 9833 (Z07-0027) – T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580, 1596 Dickson Avenue

Moved by Councillor Clark/Seconded by Councillor Rule

**R827/07/08/21** THAT Bylaw No. 9833 be read a second and third time.

Carried

**(BYLAW PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.5 Bylaw No. 9835 (Z07-0021) – Carl and Lorraine Enns – 4150 Sealy Road

Moved by Councillor Letnick/Seconded by Councillor Given

**R828/07/08/21** THAT Bylaw No. 9835 be read a second and third time and be adopted.

Carried

**(BYLAW PRESENTED FOR ADOPTION)**

- 5.6 Bylaw No. 9831 (Z07-0008) – 0758587 BC Ltd. (S2 Architectures) – 290 and 300 Asher Road and 315 McIntosh Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R829/07/08/21** THAT Bylaw No. 9831 be adopted.

Carried

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6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated July 3, 2007 re: Development Variance Permit Application No. DVP06-0194 – Richard Lobb and Liz Mori – 15 – 4524 Eldorado Court

Staff:

- Planning Department is supportive of this application.

The Deputy 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, Richard Lobb

- Building permit issue was to accommodate the addition for our children. As we went through the process we kept asking the builder if they had paid the building permit and finally discovered it was not paid.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

**R830/07/08/21** THAT Council authorize the issuance of Development Variance Permit No. DVP06-0194, for Strata Lot 15, District Lot 167, O.D.Y.D., Strata Plan K739 located on Eldorado Court, Kelowna, B.C.:

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

Section 6.5.11 General Development Regulations – Accessory Development

Allow bedrooms in an accessory building, where they otherwise would not be permitted.

Carried

- 6.2 Planning & Development Services Department, dated July 26, 2007 re: Development Variance Permit Application No. DVP07-0017 – 0758587 BC Ltd. ICE Developments (S2 Architecture) – 290 and 300 Asher Road and 315 McIntosh Road

Staff:

- The issue is the variance, shortfall in rear yard setback and has been explained in the report. Staff have no real concerns with this application.

The Deputy 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, Dave Symons S2 Architecture

- Will answer any questions brought forward.

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**R831/07/08/21** THAT Final Adoption of Zone Amending Bylaw No. 9831 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0016 for Lots 19, 20 and 21 Section 26 Township 26 Osoyoos Division Yale District Plan 9924, located at Asher and McIntosh Roads, Kelowna, BC 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";
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.
5. Lot consolidation of the subject properties must be completed prior to issuance of the Development Permit.

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.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0017; Lots 19, 20 and 21 Section 26 Township 26 Osoyoos Division Yale District Plan 9924, located at Asher and McIntosh Roads, Kelowna, BC to vary Zoning Bylaw 8000 as follows:

The rear lot line setback requirement of Section 13.11.6 (f) is varied from 9.0 m to 7.5 m in recognition of the fact the southern lot line functions as a side lot line.

Carried

- 6.3 Planning & Development Services Department, dated July 3, 2007 re: Development Variance Permit Application No. DVP07-0152 – Stan White and Lynn Pinkney – 355 Leathead Road

Staff:

- No concerns regarding the application.
- Supported by neighbours.

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, Stan White and Lynn Pinkney

- Available for any questions.

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Moved by Councillor Letnick/Seconded by Councillor Day

**R832/07/08/21** THAT Council authorize the issuance of Development Variance Permit No. DVP07-0152 for the Westerly ½ of Lot 9, Measured along the northerly boundary of said Lot by the full depth thereof; Sec 26, Twp 26, ODYD, Plan 4739 Except Plan A12943, located on Leathead Road, Kelowna, BC.

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

Section 13.1.6 (d) Side Yard Setback

A variance to the side yard setback requirement for a 2 or 2½ storey portion of a building, allowing a setback of 1.036 m on the west side of the property where 2.3 m is required.

Carried

7. BYLAWS
8. REMINDERS
9. TERMINATION

The meeting was declared terminated at 8:31 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

ACM/dld