

Regular MeetingSeptember 18, 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, September 18th, 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, David Shipclark; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort; Planner, Alec Warrander and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:08 p.m.

2. A prayer was offered by Councillor Gran.

3. CONFIRMATION OF MINUTES

Public Hearing – September 4, 2007
 Regular Meeting – September 4, 2007
 Regular Meeting A.M. – September 10, 2007
 Regular Meeting P.M. – September 10, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R902/07/09/18 THAT the Minutes of the Regular Meetings of September 4th and September 10th, 2007 and the Minutes of the Public Hearings of September 4th, 2007 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAW PRESENTED FOR SECOND AND THIRD READING)

5.1 Bylaw No. 9856 (Z07-0052) - James and Lorraine McNish – 187 Wallace Road

Moved by Councillor Given/Seconded by Councillor Letnick

R903/07/09/18 THAT Bylaw No. 9856 be read a second and third time.

Carried

(BYLAW PRESENTED FOR SECOND AND THIRD READING AND ADOPTION)

5.2 Bylaw No. 9857 (Z07-0058) – Christine Reimann – 4491 Nottingham Road

Moved by Councillor Rule/Seconded by Councillor Letnick

Regular MeetingSeptember 18, 2007

R904/07/09/18 THAT Bylaw No. 9857 be read a second and third time and be adopted.

Carried**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)**

5.3 Bylaw No. 9860 (TA07-0004) - Langley Development (Jim Langley) – 601 Burne Avenue

Moved by Councillor Blanleil/Seconded by Councillor Gran

R905/07/09/18 THAT Bylaw No. 9860 be read a second and third time.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1. Planning & Development Services Department, dated August 27, 2007 re: Development Variance Permit Application No. DVP07-0075 and Development Permit Application No. DP07-0074 – Lucille and Eugene Franke (Troika Developments) – Loseth Road and Highway 33 East **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**

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

- Letters in Support:
 - A package of five (5) letters of support from members of the Black Mountain neighbourhood dated in April and submitted by the applicant.
- Letter in Opposition:
 - Dirk Welch, 1679 Lynrick Road

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

Applicant, Renee Wasylyk, Troika Developments

- Traffic concerns in the area are being addressed and will not be further impacted by the development.
- The Provincial Government has confirmed that a traffic light will be installed (in the near future) at the intersection of Highway 33 and Loseth Road.
- The Ministry of Transportation has requested a road reserve along the property boarding Highway 33.
- Confirmed that 40% of the units are 2 bedroom with 60% of the units being 3 bedroom. (Typically 3 bedrooms are family-friendly.)

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Given

Regular MeetingSeptember 18, 2007

R906/07/09/18 THAT Final Adoption of OCP Amending Bylaw No. 9807 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No.9808 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0074 for Lot 1, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 25935 and Parcel A (Plan B5627) of Lot 15, Sec, 13, Twp 26 and of Sec. 18, Twp 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832 & KAP48833, located on Loseth Road & Hwy 33 East, 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";
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 estimate value of the landscaping, as determined by a professional landscaper;
5. That the letter of undertaking provided by Petraroia Langford Rush, dated August 24, 2007, is fulfilled and that the plan of lot consolidation be registered at the Land Titles Office.

AND THAT the applicant be required to complete #4 and #5 of 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. DVP07-0075 for Lot 1, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 25935 and Parcel A (Plan B5627) of Lot 15, Sec, 13, Twp 26 and of Sec. 18, Twp 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832 & KAP48833, located on Loseth Road & Hwy 33 East, Kelowna, B.C.,

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

Section 13.9.6(b) – Development Regulations

To vary the maximum total site coverage to 50.5% proposed where 50% is permitted.

Section 13.9.6(c) – Development Regulations

A variance to allow a building height of 3 storeys, where the height cannot exceed the lesser of 9.5 m or 2 1/2 storeys.

Section 6.10.1 – Setback from Provincial Highways

To vary the minimum side yard setback adjacent to a provincial highway to 7.5m proposed where 15m is required.

Carried

- 6.2. Planning & Development Services Department, dated August 24, 2007 re: Development Variance Permit Application No. DVP07-0145 and

Regular MeetingSeptember 18, 2007

Development Permit Application No. DP07-0144 – Leah Toye (Gerry Toye) – 651 Richter Street **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**

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 Hobson

R907/07/09/18 THAT Council authorize the issuance of Development Permit No. DP07-0144, for Lot 6, Section 30, Township 26 O.D.Y.D., Plan 18776 located on Richter Street, 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. The landscaping be in general accordance with Schedule "C"

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0145, for Lot 6, Section 30, Township 26 O.D.Y.D., Plan 18776 located on Richter Street, Kelowna, B.C.,

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

13.6.6(e) RU6 Development Regulations – Rear Yard Setback

Vary the rear yard setback from the required 7.5 m for a 2 or 2½ storey portion of a building, to 2.0 m proposed.

Carried

- 6.3. Planning & Development Services Department, dated August 24, 2007 re: Development Variance Permit Application No. DVP07-0162 – James and Lorraine McNish – 187 Wallace 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**

Moved by Councillor Given/Seconded by Councillor Clark

R908/07/07/18 THAT Council defer it's decision regarding Development Variance Permit Application No. DVP07-0162 to the October 2, 2007 Council Meeting.

Carried

7. REMINDERS

8. TERMINATION

The meeting was declared terminated at 6:33 p.m.

Regular Meeting

September 18, 2007

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk