

Regular MeetingNovember 13, 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, November 13, 2007.

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

Council members absent: Councillors Brian Given and Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Supervisor, Shelley Gambacort; Manager, Policy, Research and Strategic Planning, Signe Bach*; Planner, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 10:01 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – October 29, 2007
 Regular Meeting P.M. – October 29, 2007
 Special Meeting – October 30, 2007
 Public Hearing – October 30, 2007
 Regular Meeting – October 30, 2007
 Regular Meeting A.M. – November 5, 2007
 Regular Meeting P.M. – November 5, 2007

Moved by Councillor Hobson/Seconded by Councillor Day

R1063/07/11/13 THAT the Minutes of the Regular Meetings of October 29, 2007, October 30, 2007, November 5, 2007, the Minutes of the Special Meeting of October 30, 2007 and the Minutes of the Public Hearing of October 30, 2007 be confirmed as circulated.

Carried

4. Councillor Blanleil was requested to check the minutes of the meeting.

Regular MeetingNovember 13, 20075. BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)**

- 5.1 Bylaw No. 9875 (OCP07-0016) – Katherine Schramm, Gurdev Kaur Bains, Kulbir Kaur Shahi, Theodore Rippel, David & Loleta Gallis, Susan Lund, Sabrina & Eric Schramm, Raymond Schramm, Danny & Mary Cresswell, Barry & Patricia Radley (Canadian Adult Communities) – 1255, 1265-1269, 1275, 1285, 1295 Gordon Drive and 1254, 1262,-1264, 1274, 1284, 1290 Pheasant Street – **Requires a majority vote of all Members of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Letnick**R1064/07/11/13** THAT Bylaw No. 9875 be read a second and third time.Carried

Councillor Letnick – Opposed.

- 5.2 Bylaw No. 9876 (Z07-0050) - Katherine Schramm, Gurdev Kaur Bains, Kulbir Kaur Shahi, Theodore Rippel, David & Loleta Gallis, Susan Lund, Sabrina & Eric Schramm, Raymond Schramm, Danny & Mary Cresswell, Barry & Patricia Radley (Canadian Adult Communities) – 1255, 1265-1269, 1275, 1285, 1295 Gordon Drive and 1254, 1262,-1264, 1274, 1284, 1290 Pheasant Street

Moved by Councillor Clark/Seconded by Councillor Letnick**R1065/07/11/13** THAT Bylaw No. 9876 be read a second and third time.Carried

Councillor Letnick – Opposed.

- 5.3 Bylaw No. 9877 (Z07-0071) – John & Terri Pratch – 644 Bonjou Road

Moved by Councillor Rule/Seconded by Councillor Letnick**R1066/07/11/13** THAT Bylaw No. 9877 be read a second and third time.DEFEATED

Mayor Shepherd and Councillors Blanleil, Clark, Day, Hobson and Rule – Opposed.

- 5.4 Bylaw No. 9883 (HRA07-0001) – Country Cottage Gifts and Décor Ltd. – 763 Bernard Avenue

Moved by Councillor Day/Seconded by Councillor Blanleil**R1067/07/11/13** THAT Bylaw No. 9883 be read a second and third time.Carried

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- 5.5 Bylaw No. 9882 (Z07-0057) – Ursula Jakubeit (BC Life Builders Rehabilitation Society) – 2473 Ethel Street

Moved by Councillor Blanleil/Seconded by Councillor Day

R1068/07/11/13 THAT Bylaw No. 9882 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 October 18, 2007 re: Development Variance Permit Application No. DVP07-0225 – Clarence & Silvia Roberts – 3565 Rose 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**

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

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

Applicant, Kevin Roberts

- Confirmed the location of the proposed residence.
- The bottom floor of the building will be designed to be a walk-out.

There were no further comments.

Moved by Councillor Day/Seconded by Councillor Blanleil

R1069/07/11/13 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0225 for Lot A, Sec. 10, Twp. 26, ODYD, Plan 38325, located at 3565 Rose Road, Kelowna, B.C., subject to:

1. A delayed demolition permit must be applied for to remove the kitchen and bath tub from an existing dwelling at the same time as an application is made for the building permit.

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

Section 11.1.6(b) Development Regulations – Height

Vary the height of proposed single family dwelling from 2.5 storeys required to 3 storeys proposed.

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- (b) Planning & Development Services Department, dated August 24, 2007 re: Development Variance Permit Application No. DVP07-0162 – James & 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**

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

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

Moved by Councillor Day/Seconded by Councillor Hobson**R1071/07/11/13** THAT Final Adoption of Zone Amending Bylaw No. 9856 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0162 for Lot 2, Section 35, Twp. 26, ODYD, Plan 24575, located at 187 Wallace Road, Kelowna, B.C.;

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

Section 13.6.6 (e) Development Regulations – Rear Yard Setback
Vary the existing non-conforming rear yard from 6.0m required to 3.7m proposed.

Carried

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- 6.3 Planning & Development Services Department, dated October 18, 2007 re: Development Variance Permit Application No. DVP070-252 – Ursula Jakubeit (BC Life Builders Rehabilitation Society) – 2473 Ethel 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 have been received.

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

Moved by Councillor Hobson/Seconded by Councillor Day

R1072/07/11/13 THAT Final Adoption of Zone Amending Bylaw No. 9882 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0252 for Lot B, District Lot 136, Plan 30919, located at 2473 Ethel Street, Kelowna, B.C., subject to:

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

Section 8.1 – Parking Schedule – Boarding or Lodging Houses
Vary the parking requirement from 6 stalls to 3 stalls.

Section 13.6.6 (d) Development Regulations – Side Yard Setback
Vary the side yard setback from 2.0m required to 1.83m proposed.

Carried

- 6.4 Planning & Development Services Department, dated October 4, 2007, 2007 re: Development Variance Permit Application No. DVP07-0235 – Al & Cheryl Marshall – 2311 Newman 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**

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

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

Moved by Councillor Day/Seconded by Councillor Letnick

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R1073/07/11/13 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0235 for Lot 3, Sec. 4, Twp. 23, ODYD, Plan 19354, located on Newman Rd., Kelowna, B.C.;

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

Section 12.3.6 (d) Side Yard Setback

A variance to the side yard setback requirement, allowing a setback of 1.0m on the east side of the property where 2.0m is required.

Carried

- 6.5 Planning & Development Services Department, dated October 1, 2007 re: Development Permit Application No. DP07-0207 and Development Variance Permit Application No. DVP07-0220 – Kettle Valley Holdings Ltd. (The Mission Group) – 5800 Mountainside Drive **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 have been received.

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

Applicant, Ryan Smith

- Confirmed that the Sustainability Checklist was filled out.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R1074/07/11/13 THAT Council authorize the issuance of Development Permit No. DP07-0207, Lot 49, Sec. 14, Twp. 28, SDYD, Plan KAP84295, located on Mountainside Drive, 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" (with diagonal design elements to be incorporated on garage doors);
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

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4. The central paved space and individual garage aprons, currently shown as asphalt, be treated with unique and distinct treatment (i.e. stamped asphalt or stamped concrete) to offer a degree of distinct visual interest.
5. 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. DVP07-0220, Lot 49, Sec. 14, Twp 28, SDYD, Plan KAP84295, located on Mountainside Drive, Kelowna, B.C.;

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

CD2 – Kettle Valley Comprehensive Residential Development, Schedule 'B' – 1.4(d) – (Type VI)

A variance to allow the building height of 10.9m where 9.5m is required.

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.

Carried

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 10:42 p.m.

Certified Correct:

Mayor

Deputy City Clerk

/slh