

Regular MeetingNovember 27, 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 27<sup>th</sup>, 2007.

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

Council members absent: Councillors Brian Given, Carol Gran and Robert Hobson.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, Allison Flack; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Manager, Shelley Gambacort; Parks Manager, Joe Creron and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:45 p.m.

2. PRAYER

A prayer was offered by Councillor Letnick.

3. CONFIRMATION OF MINUTES

Public Hearing – November 13, 2007  
 Regular Meeting – November 13, 2007  
 Regular Meeting A.M. – November 19, 2007  
 Regular Meeting P.M. – November 19, 2007

Moved by Councillor Letnick/Seconded by Councillor Day

**R1119/07/11/27** THAT the Minutes of the Regular Meetings of November 13<sup>th</sup>, 2007 and November 19<sup>th</sup>, 2007 and the Minutes of the Public Hearing of November 19<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)**

5.1 Bylaw No. 9886 (Z07-0046) – Terry & Joan Raisanen (Eidse Builders (Gary Tebbutt) – 1975 Kane Road

Moved by Councillor Clark/Seconded by Councillor Letnick

**R1120/07/11/27** THAT Bylaw No. 9886 be read a second and third time.

Carried

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

5.2 Bylaw No. 9887 (Z07-0034) – Charlene Wheatley – 2031 Fisher Road

Regular MeetingNovember 27, 2007Moved by Councillor Clark/Seconded by Councillor Letnick

**R1121/07/11/27** THAT Bylaw No. 9887 be read a second and third time and be adopted.

Carried

- 5.3 Bylaw No. 9885 (Z07-0041) – Remigio & Malsha Picco (Remigio Picco) – 2077 Fisher Road

Moved by Councillor Day/Seconded by Councillor Blanleil

**R1122/07/11/27** THAT Bylaw No. 9885 be read a second and third time and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

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

Bylaw No. 9684 (Z06-0039) – George William Hall & Roy Lazic (Kim McKechnie) – 3998 Highway 97 North

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1123/07/11/27** THAT Bylaw No. 9684 be adopted.

Carried

- (b) Planning & Development Services Department, dated October 25, 2007 re: Development Variance Permit Application No. DVP06-0133 and Development Permit Application No. DP07-0036 – George W. Hall & Roy Lazic (Kim McKechnie) – 3998 Highway 97 North **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 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 Day

**R1124/07/11/27** THAT Final Adoption of Zone Amending Bylaw No. 9684 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0036 for Lot A, Sec. 2, Twp. 23, O.D.Y.D., Plan KAP84927, located on Highway 97 N., 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";

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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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0133; Lot A, Sec. 2, Twp. 23, O.D.Y.D., Plan KAP84927, located on Highway 97 N., Kelowna, B.C.;

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

Section 15.2.4(a) – **General Industrial - Subdivision Regulations:** Vary minimum lot width from 40m required to 38.1m proposed,

Section 15.2.4(c) – **General Industrial - Subdivision Regulations:** Vary minimum lot area from 4,000m<sup>2</sup> required to 2,610m<sup>2</sup> proposed,

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

- 6.2 Planning & Development Services Department, dated October 25, 2007 re: Development Variance Permit Application No. DVP07-0055 – R. & A. Agozzino et al (Emil Anderson Construction Co. Ltd.) – 714, 716, 718, 722, 726, 730, 734, 742, 746, 750 & 754 Kuipers Crescent **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**

Staff:

- There will be a park trail developed on the adjacent property.
- The Parks Department has had discussions with the developer regarding landscaping along the pathway, and vegetation to mask the wall.

The 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 Blanleil

**R1125/07/11/27** THAT Council authorize the issuance of Development Variance Permit No. DVP07-0055 for Lot 2, DL 1688S, SDYD, Plan KAP82069, Lots 1 to 10, DL 1688S, SDYD, Plan KAP84694, Lot A, DL 1688S, S.D.Y.D., Plan KAP68646, located at Kuipers Crescent; Kelowna, B.C.

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

Regular MeetingNovember 27, 2007Section 7.5. **FENCING AND RETAINING WALLS:** 7.5.9

Vary the maximum permitted retaining wall height on residential lots from 1.2 m permitted to 1.8 m proposed

Subject to;

The applicant carrying out the works described in the RJB Holdings Ltd. report dated June 22, 2007 attached as Schedule "A", and

The applicant constructing the proposed trail in the affected area to the Parks Division standards, attached as Schedule "B".

Carried

- 6.3 Planning & Development Services Department, dated November 1, 2007 re: Development Variance Permit Application No. DVP07-0181 – City of Kelowna (Protech Consultants Ltd.) – 550 Valley 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 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 Rule

**R1126/07/11/27** THAT Council authorize the issuance of Development Variance Permit No. DVP07-0181 for Lot 1 Section 4 Township 23 Osoyoos Division Yale District Plan 25285 located at 550 Valley Road, Kelowna, B.C.

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

Section 16.4 P4 – Utilities: 16.4.5(b):

The minimum front yard is reduced from 6.0 m to 1.0 m for an above-ground pressure reducing station.

Carried

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 6:57 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/dld