

Regular MeetingAugust 5, 2008

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 5th, 2008.

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

Council members absent: Councillors Barrie Clark and Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort; Planner, Paul McVey; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:21 p.m.

2. PRAYER

A Prayer was offered by Councillor Day.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – July 21, 2008
 Regular Meeting P.M. – July 21, 2008
 Public Hearing – July 22, 2008
 Regular Meeting – July 22, 2008

Moved by Councillor Rule/Seconded by Councillor Hobson

R711/08/08/05 THAT the Minutes of the Regular Meeting of July 21, 2008 and July 22, 2008 and the Minutes of the Public Hearing of July 22, 2008 be confirmed as circulated.

Carried

4. Councillor Rule 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. 10039 (Z07-0047) – Mario & Odessa Digiovanni – 1385 McBride Road

Moved by Councillor Given/Seconded by Councillor Letnick

R712/08/08/05 THAT Bylaw No. 10039 be read a second and third time.

Carried

Regular MeetingAugust 5, 2008

- 5.2 Bylaw No. 10040 (Z08-0024) – Young & Hamel Motors Ltd. (Cheviot Properties Ltd.) – 580 Harvey Avenue

Moved by Councillor Letnick/Seconded by Councillor Given**R713/08/08/05** THAT Bylaw No. 10040 be read a second and third time.Carried

- 5.3 Bylaw No. 10041 (Z08-0031) – Fortis Properties Corp. (Project Management Services Inc.) – 2417/2419 Harvey Avenue

Moved by Councillor Rule/Seconded by Councillor Given**R714/08/08/05** THAT Bylaw No. 10041 be read a second and third time.Carried

- 5.4 Bylaw No. 10042 (Z08-0027) – Shaun Klotz & Darcy Jordan (Bob Guy) – 725 Quigley Road

Moved by Councillor Rule/Seconded by Councillor Letnick**R715/08/08/05** THAT Bylaw No. 10042 be read a second and third time.Carried

- 5.5 Bylaw No. 10044 (Z08-0053) – Corey-Lea Neufeld (Corey-Lea & Dean Neufeld) – 4505 Gaspardone Road

Moved by Councillor Blanleil/Seconded by Councillor Day**R716/08/08/05** THAT Bylaw No. 10044 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.6 Bylaw No. 10043 (Z08-0058) – Aletta Nixon (Neville & Aletta Nixon) – 1570 Glenmore Road

Moved by Councillor Day/Seconded by Councillor Blanleil**R717/08/08/05** THAT Bylaw No. 10043 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 July 9, 2008 re: Development Variance Permit Application No. DVP08-0071 – John Hawkins & Christine Hawkins (John Hawkins) – 4042 Finch 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**

Regular MeetingAugust 5, 2008

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 Day/Seconded by Councillor Hobson

R718/08/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0071, Lot 12, Sec. 32 & 33, Twp. 26, ODYD, Plan 13462, located at 4042 Finch Road in Kelowna, BC;

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

Section 12.3.6(c) Rural Residential Zones – Development Regulations
To vary the front yard setback from 6.0m required to the 5.66m proposed.

Carried

- 6.2 Planning & Development Services Department, dated July 8, 2008 re: Development Variance Permit Application No. DVP08-0088 – South Brook Developments Ltd. (Rykon Construction Mgmt. Ltd.) – 1360 Clear Pond Court **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 Hobson/Seconded by Councillor Day

R719/08/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0088 for Lot 20, Sec. 5, Twp. 23, ODYD, Plan KAP 83526, located on Clear Pond Court, Kelowna, B.C.

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

Section 6.5.8(b) – Side Yard Setback:
To vary the maximum side yard setback for an accessory structure in an urban area from 1.0 m to 0.08 m proposed.

Carried

- 6.3 Planning & Development Services Department, dated July 11, 2008 re: Development Variance Permit Application No. DVP08-0117 – Donna Cote – 805 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.**

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

Regular MeetingAugust 5, 2008

- Letter of Support:
 - S. Rhayne, Kuipers Crescent

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

Donna Cote, Applicant:

- Advised that the structure is a privacy screen and not a fence.
- The structure was already constructed when she bought the home.
- Advised that she met with Ron Ready of the City's Building Department and Mr. Ready did not indicate any objection to the height of structure.

Gallery:

Sharon Black, 799 Kuipers Crescent

- Confirmed that the structure was already in place when Ms. Cote purchased her home.
- If the structure was removed, she would be able to look directly into Ms. Cote's bedroom, thereby affecting her privacy.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R720/08/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0117 for Lot 14, D.L. 1688S, SDYD, Plan K, located at 805 Kuipers Crescent, Kelowna, B.C.

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

Section 7.5.3 Fencing and Retaining Walls – Height

Vary the height of the existing fence from 2.0m permitted to 4.73m proposed.

Carried

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

Bylaw No. 9945 (Z07-0011) – Marcel & Bertha Gal (Axel Hilmer) – 605 Monterey Road

Moved by Councillor Hobson/Seconded by Councillor Day

R721/08/08/05 THAT Bylaw No. 9945 be adopted.

Carried

- (b) Planning & Development Services Department, dated July 8, 2008 re: Development Permit Application No. DP08-0160 and Development Variance Permit Application No. DVP07-0030 – Marcel & Bertha Gal (Axel Hilmer) – 605 Monterey 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.

Regular MeetingAugust 5, 2008

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

Axel Hilmer, Applicant:

- When the home was built in the early 1970's, there was no definition of front or side yards. As a result, the original back yard is now considered the side yard.
- Believes that there is sufficient space on the site to accommodate a second dwelling.
- Confirmed that Mr. Gal has approached the neighbours and the neighbours did not have any objections to the development or variances.
- Confirmed that the property will be stratified and sold.

Staff:

- Confirmed that if the property were stratified, the rezoning of the entire parcel would remain intact. The zoning will only allow for one (1) dwelling on each of the stratified lots.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R722/08/08/05 THAT Bylaw 9945 be advanced for final adoption by Council;

ANT THAT Council authorize the issuance of Development Permit No. DP08-0160, for Lot 13, Section 23, Township 26, O.D.Y.D., Plan 25160, on Monterey Rd, Kelowna, B.C Avenue, 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. DVP07-0030, for Lot 13, Section 23, Township 26, O.D.Y.D., Plan 25160, on Monterey Rd, Kelowna, B.C.

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

13.6.6(e) RU6 Development Regulations – Rear Yard Setback
Vary the minimum rear yard setback from 6.0 m to 2.0 m.

13.6.7(c) RU6 Other Regulations – Separation Distance
Vary the minimum separation distance from 4.5 m to 3.8 m.

Carried

Regular MeetingAugust 5, 20086.5 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9979 (Z07-0076) – City of Kelowna (Meiklejohn Architects Inc.) – 3421 Lakeshore Road

Moved by Councillor Day/Seconded by Councillor Hobson

R723/08/08/05 THAT Bylaw No. 9979 be adopted.

Carried

- (b) Planning & Development Services Department, dated July 11, 2008 re: Development Permit Application No. DP07-0210 and Development Variance Permit Application No. DVP07-0211 – Cressey Lakeshore Holdings Ltd. & City of Kelowna (Meiklejohn Architects Inc.) – 3377, 3409, 3421 Lakeshore 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.**

Staff:

- Confirmed that it was suggested by staff to move the building closer to the street.
- Confirmed that there is a potential for the property to be accessed off of Richter Street; however depending on the road improvements planned for the area, the access could change.

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

- Letters of Opposition:
 - Romano Guisti, #14-3416 Scott Road
 - Jean Lees Miller, Site 102-3335 Richter Street
 - Lorna Douglas, 205-3335 Richter Street
 - Dr. Keith D. Yap, Suite 207-3330 Richter Street
 - Dr. Cameron Bakala & Shauna Bakala, #204 & #205, 3330 Richter Street
 - Lorraine Hladik, 215-3335 Richter Street
- Letter of Concern:
 - Joel Wiseman, #304-3320 Richter Street

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

Jim Meiklejohn, Meiklejohn Architects Inc., Applicant's Representative:

- Showed conceptual drawings of what the development will look like.
- Pointed out the "green" features of the development.
- Advised that the sideyard variances are required along the townhome portion of the development in order to give the townhomes a better sense of privacy and safety.
- There is a security gate that will separate the private and public parking.
- Approximately 78 parking stalls will be provided for public use.
- Confirmed that the residents across the street will be essentially looking at townhomes with raised patios and extensive landscape treatments.
- Confirmed that the "Pandosy on the Lake" sign will be saved and it may be possible to incorporate it into a landscape feature on the site.

There were no further comments.

Regular MeetingAugust 5, 2008Moved by Councillor Letnick/Seconded by Councillor Given

R724/08/08/05 THAT Final Adoption of Zone Amending Bylaw No. 9979 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0210 for Lot 1, DL134, O.D.Y.D Plan 38150 exc. Plan KAP74841; Strata Lots 1 - 27, DL 134, O.D.Y.D., Plan K327; and Lot 2, DL 134, O.D.Y.D., Plan 38150, located on Lakeshore Road, 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 estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 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. DVP07-0211; Lot 1, DL134, O.D.Y.D Plan 38150 exc. Plan KAP74841; Strata Lots 1 - 27, DL 134, O.D.Y.D., Plan K327; and Lot 2, DL 134, O.D.Y.D., Plan 38150, located on Lakeshore Road, Kelowna, B.C.;

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

- a. Section 14.9.5 (c) Development Regulations, Vary front yard from 6.0 m required to 0.0m proposed for Richter Road frontage, and 0.0m to road reserve boundary along Lakeshore Road frontage,
- b. Section 14.9.5 (d) Development Regulations, Vary side yard from 3.0m required to 1.5m proposed to north property line
- c. Section 14.9.5 (d) Development Regulations, Vary flanking side yard from 4.5m required to 0.0m proposed to south property line

Carried

7. REMINDERS

Regular Meeting

August 5, 2008

8. TERMINATION

The meeting was declared terminated at 7:03 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld