

Regular MeetingSeptember 2, 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 September 2nd, 2008.

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

Council members absent: Councillors Andre Blanleil and Carol Gran.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director of Planning & Development Services, Jim Paterson; Current Planning Supervisor, Danielle Noble; Planner, Alec Warrander; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:05 p.m.

2. A Prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – August 18, 2008
 Regular Meeting P.M. – August 18, 2008
 Public Hearing – August 19, 2008
 Regular Meeting – August 19, 2008

Moved by Councillor Rule/Seconded by Councillor Hobson

R775/08/09/02 THAT the Minutes of the Regular Meetings of August 18, 2008 and August 19, 2008 and the Minutes of the Public Hearing of August 19, 2008 be confirmed as circulated.

Carried

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

5. **(BYLAW PRESENTED FOR ADOPTION)**

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

Moved by Councillor Given/Seconded by Councillor Letnick

R776/08/09/02 THAT Bylaw No. 10044 be adopted.

Carried

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6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated July 30, 2008 re: Heritage Alteration Permit Application No. HAP08-0006 - Ronald and Donna Rubadeau (Peter Chataway) - 2076 Long 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.**

Staff:

- The property is a heritage building, but is not currently on the Heritage Register.

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

- o Letters of Support:
 - Lionel Wace, 359 Cadder Avenue
 - Patricia Munro, 368 Cadder Avenue
 - Fred Wille, 418 Cadder Avenue
 - Elizabeth Zaseybida, 2075 Long Street
 - Neil Cadger, 379 Burne Avenue
 - Kevin Fierbach, 369 Burne Avenue
 - Michelle Couper, 422 Cadder Avenue
 - Norma Brown, 2052 Long Street
 - Hans Birker, 409 Cadder Avenue
 - Celia Ritchie, 377 Cadder Avenue

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

Peter Chataway, Agent for the Applicants:

- The adjacent property owners support the application and both the Community Heritage Commission and the Advisory Planning Commission have also supported this application.
- The neighbourhood associations were notified, but due to their summer schedule, did not hold any meetings during the summer and therefore letters of support could not be obtained.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R777/08/09/02 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP08-0006; for Lot 4, District Lot 14, ODYD, Plan 2905, located at 2076 Long 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. Landscaping to be provided on the land be in general accordance with Schedule "C".

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

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Section 13.1.6 (e) Development Regulations – Rear Yard Setback
 To vary the rear yard setback from 7.5m required to 3.5m proposed

Carried

- 6.2 Planning & Development Services Department, dated July 31, 2008, re: Development Variance Permit Application No. DVP08-0173 - Eric and Christine Tromsness - 2674 Gore 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 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.

Eric Tromsness, Applicant:

- Did not have any further information to add to staff's comments.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Day

R778/08/09/02 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0173 for Lot 2, District Lot 14, ODYD, Plan 7927, located at 2674 Gore Street, Kelowna, B.C;

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

Section 13.6.6(e) Development Regulations – Setbacks
 Vary the required rear yard setback from 7.5m required to 3.0m proposed.

Carried

- 6.3 (a) **BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION**

- (i) Bylaw No. 10057 (OCP08-0006) – Velma Feeny - 795-797 Birch Avenue **Requires Majority Vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R779/08/09/02 THAT Bylaw No. 10057 be read a second and third time and be adopted.

Carried

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- (ii) Bylaw No. 10058 (Z08-0049) – Velma Feeny - 795-797 Birch Avenue

Moved by Councillor Day/Seconded by Councillor Hobson

R780/08/09/02 THAT Bylaw No. 10058 be read a second and third time and be adopted.

Carried

- (b) Planning & Development Services Department, dated August 6, 2008, re: Development Variance Permit Application No. DVP08-0156 - Velma Feeny - 795-797 Birch 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 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.

Velma Feeny, Applicant:

- Did not have any further information to add to staff's comments.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Rule

R781/08/09/02 THAT Final Adoption of OCP Amending Bylaw No. 10057 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 10058 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0156 for Strata Lot 1 D.L. 136, ODYD, Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located at 795-797 Birch Avenue, Kelowna, B.C;

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

Section 16.2.5(e) Development Regulations – Setbacks

Vary the required side yard setbacks from 4.5m required to 2.38m and 2.47m proposed.

Table 8.2 Loading Spaces – Care Centres, Major

To vary the required loading spaces from 3 required to 0 proposed

Carried

- 6.4 Planning & Development Services Department, dated August 8, 2008 re: Development Variance Permit Application No. DVP08-0169 - Sandra MacNaughton (Chris Vickery) - 1788 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**

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Staff:

- Advised that the property is on the Heritage Register.

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. The Applicant was not present in the gallery. No one came forward.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R782/08/09/02 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0169, Lot 1, District Lot 138, ODYD Plan 1776, located at 1788 Ethel Street in Kelowna, BC;

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

Section 13.6.6(e) RU6 Zone – Development Regulations

To vary the rear yard setback from 6.0m required to the 3.75m proposed.

Carried

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

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

Moved by Councillor Clark/Seconded by Councillor Rule

R783/08/09/02 THAT Bylaw No. 10041 be adopted.

Carried

- (b) Planning & Development Services Department, dated August 21, 2008 re: Development Permit Application No. DP08-0074 - Project Management Services Inc. (Fortis Properties Corp.) - 2417/2419 Highway 97 N. and 2429/2435 Highway 97 N.

Moved by Councillor Rule/Seconded by Councillor Letnick

R784/08/09/02 THAT Final Adoption of Zone Amending Bylaw No. 10041 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP08-0074 for Lot 1, DL 125, O.D.Y.D., Plan KAP51410 and That Part of Lot 3 shown on plan B5888, DL 125, O.D.Y.D., Plan 3447, located on Highway 97 North, 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";

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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 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.

Carried7. BYLAWS8. REMINDERS

City Clerk:

- Advised that there is a Public Hearing and Regular Meeting scheduled for October 14, 2008, which is the anticipated date of the next Federal election, and inquired whether or not Council wished to hold a Public Hearing and Regular Meeting on that date should a Federal election be called.

Moved by Councillor Clark/Seconded by Councillor Rule

R785/08/09/02 THAT City Council cancel the Public Hearing and Regular Meeting scheduled for October 14, 2008 should a Federal election be called for that date.

Carried9. TERMINATION

The meeting was declared terminated at 6:20 p.m.

Certified Correct:

 Mayor

SLH/hp

 City Clerk