

Regular MeetingOctober 28, 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, October 28th, 2008.

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

Council members absent: Councillor Barrie Clark.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Subdivision Approving Officer, 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 1:30 a.m.

2. PRAYER

A Prayer was offered by Councillor Day.

Moved by Councillor Letnick/Seconded by Councillor Given

R968/08/10/28 THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – September 29, 2008
 Regular Meeting P.M. – September 29, 2008
 Public Hearing – September 30, 2008
 Regular Meeting – September 30, 2008
 Regular Meeting A.M. – October 6, 2008
 Regular Meeting P.M. – October 6, 2008
 Regular Meeting A.M. – October 20, 2008
 Regular Meeting P.M. – October 20, 2008
 Public Hearing – October 20, 2008

Moved by Councillor Given/Seconded by Councillor Letnick

R969/08/10/28 THAT the Minutes of the Regular Meetings of September 29th, 2008 and September 30th, 2008 and October 6th, 2008 and October 20th, 2008 and the Minutes of the Public Hearing of September 30th, 2008 and October 20th, 2008 be confirmed as circulated.

Carried

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

Regular MeetingOctober 28, 20085. BYLAWS CONSIDERED AT PUBLIC HEARINGMoved by Councillor Letnick/Seconded by Councillor Rule

R970/08/10/28 THAT consideration of Bylaw Nos. 10073, 10074, 10079, 10080, 10081, 10084, 10087, 10089, 10090, 10092, 10094, 10095, 10096, 10097, 10098, 10100 and 10091 be deferred to the November 3, 2008 Council Meeting.

Carried

Councillor Blanleil – Opposed.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.01 Bylaw No. 10031 (Z07-0082) – Bruckal Developments Corp. (New Town Architectural Services) – 443 Christleton Avenue

This item was deferred to the November 25, 2008 Public Hearing.

5.02 Bylaw No. 10073 (OCP08-0015) – Harley & Joan Gariepy (Harley Gariepy) – 1990 Raisanen Road – **Requires a majority of all Members of Council (5)**

This item was deferred to the November 3, 2008 Council Meeting.

5.03 Bylaw No. 10074 (Z08-0052) – Harley & Joan Gariepy (Harley Gariepy) – 1990 Raisanen Road

This item was deferred to the November 3, 2008 Council Meeting.

5.04 Bylaw No. 10079 (Z07-0063) – Robert Anderson (Roblyn Developments Ltd.) – 1000 Graham Road

This item was deferred to the November 3, 2008 Council Meeting.

5.05 Bylaw No. 10080 (OCP07-0024) – Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road; 6060 Spencer Road (Various Addresses) – **Requires a majority of all Members of Council (5)**

This item was deferred to the November 3, 2008 Council Meeting.

5.06 Bylaw No. 10081 (Z07-0074) – Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road; 6060 Spencer Road (Various Addresses)

This item was deferred to the November 3, 2008 Council Meeting.

5.07 Bylaw No. 10084 (Z08-0056) – Jason Moore & Yvette Toews – 5110 Chute Lake Crescent

This item was deferred to the November 3, 2008 Council Meeting.

5.08 Bylaw No. 10085 (Z08-0051) – Terry & Lynae Igel – 391 Yates Road

This item was deferred to December 9, 2008 Public Hearing.

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- 5.09 Bylaw No. 10087 (Z08-0045) – Tommy & Sandra Ann Josiassen (Milagro Advisory Services Inc.) – 1305 Highway 33

This item was deferred to the November 3, 2008 Council Meeting.

- 5.10 Bylaw No. 10089 (Z08-0063) – Robert & Dayna Selby – 664 Balsam Road

This item was deferred to the November 3, 2008 Council Meeting.

- 5.11 Bylaw No. 10090 (Z07-0016) – National Society of Hope & Jabs Construction Ltd. (National Society of Hope) – 2059-2129 & 2175 Benvoulin Court and 2170 Benvoulin Road

This item was deferred to the November 3, 2008 Council Meeting.

- 5.12 Bylaw No. 10092 (Z08-0078) – Robert & Cathy Schuh – 808 Lone Pine Drive

This item was deferred to the November 3, 2008 Council Meeting.

- 5.13 Bylaw No. 10094 (Z07-0088) – B.H.K.T. Holdings Ltd. (Protech Consultants Ltd.) – 5020 Killdeer Road

This item was deferred to the November 3, 2008 Council Meeting.

- 5.14 Bylaw No. 10095 (Z08-0069) – 0709128 BC Ltd. (Protech Consultants Ltd.) – 128 & 158 Penno Road

This item was deferred to the November 3, 2008 Council Meeting.

- 5.15 Bylaw No. 10096 (Z08-0054) – Ramen Ahuja – 200 Ponto Road

This item was deferred to the November 3, 2008 Council Meeting.

- 5.16 Bylaw No. 10097 (OCP07-0031) – Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) – 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road – **Requires a majority of all Members of Council (5)**

This item was deferred to the November 3, 2008 Council Meeting.

- 5.17 Bylaw No. 10098 (TA07-0006) - Kinnikinnik Developments & Glenmore-Ellison Improvement District (Kinnikinnik Developments) – 3650 & 4001 Finch Road, (W of) Glenmore Road North, 1890, 2230 & (N of) McKinley Road, and (W of) & 3280 Slater Road

This item was deferred to the November 3, 2008 Council Meeting.

- 5.18 Bylaw No. 10100 (Z08-0061) – Kusam, Sandip & Renu Khurana and Varinder Grover (Chilka Lake Properties Inc.) – 265 & 275 Ponto Road

This item was deferred to the November 3, 2008 Council Meeting.

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- 5.19 Bylaw No. 10091 (Z08-0077) – Architecturally Distinct Solutions – 893 Hewetson Avenue

This item was deferred to the November 3, 2008 Council Meeting.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.01 Planning & Development Services Department, dated September 29, 2008 re: Development Permit Application No. DP08-0066 and Development Variance Permit Application No. DVP08-0177 – Glenwest Properties Ltd. (Blenk Development Corp.) – 1520-1550 Union 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

(a) **(BYLAWS PRESENTED FOR ADOPTION)**

- (i) Bylaw No. 9980 (OCP07-0014) – Glenwest Properties Ltd. (Blenk Development Corp.) – 2025 Begbie Road

Moved by Councillor Letnick/Seconded by Councillor Given

R971/08/10/28 THAT Bylaw No. 9980 be adopted.

Carried

- (ii) Bylaw No. 9981 (Z07-0043) – Glenwest Properties Ltd. (Blenk Development Corp.) – 2025 Begbie Road

Moved by Councillor Letnick/Seconded by Councillor Given

R972/08/10/28 THAT Bylaw No. 9981 be adopted.

Carried

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.

Tim McLennan, CEI Architecture Planning Interiors, Applicant's Representative:

- Gave a presentation detailing the development.
- Advised that the retaining wall is required in order to protect the wildlife corridor in the area.

Gallery:

Fred Cave, 597 Still Pond

- Just built their house and feels that a 40 foot retaining wall will be imposing on their property.
- Does not feel that wall is warranted for the area.

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R973/08/10/28 THAT Council authorize the issuance of Development Permit No. DP08-0066, Lot 4, Sec. 9, Twp. 23, ODYD, Plan KAP86750, located at 1520-1550 Union 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 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 the applicant be required to submit an enhanced landscape plan in a layout acceptable to staff;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP08-0177 for Lot 4, Sec. 9, Twp. 23, ODYD, Plan KAP86750, located at 1520-1550 Union Road, Kelowna, B.C.

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

Section 7.5.9 Fencing & Retaining Walls – Height

Vary the height of the proposed retaining wall from 1.2m permitted to 12m proposed.

Carried

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

Bylaw No. 10062 (Z07-0095) – AMDI Investments Inc. – 2176 Wilkinson Street

Moved by Councillor Day/Seconded by Councillor Gran

R974/08/10/28 THAT Bylaw No. 10062 be adopted.

Carried

- (b) Planning & Development Services Department, dated August 18, 2008 re: Development Variance Permit Application No. DVP08-0184 – AMDI Investments Inc. (Ian Montgomery) – 2176 Wilkinson 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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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 Given

R975/08/10/28 THAT Final Adoption of Zone Amending Bylaw No. 10062 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0184, for Lot B Section 19 Township 26 Osoyoos Division Yale District Plan 35197, located on Wilkinson St, Kelowna, B.C.

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

Section 9.5.4 Secondary Suite (Maximum Floor Area for Suite)
To vary the maximum floor area of a secondary suite from 90m² or 40% of the total floor area of the principal building allowed to 90m² and 42% of the total floor area of the principal building.

Carried

7. BYLAWS – None.
8. REMINDERS – Nil.
9. TERMINATION

The meeting was declared terminated at 1:57 a.m.

Certified Correct:

Mayor

City Clerk

SLH/sb