

Regular MeetingMay 19, 2009

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, May 19th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid*, Michele Rule and Luke Stack*.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:19 a.m.

2. PRAYER

2. A Prayer was offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting – May 4, 2009
 Regular P.M. Meeting – May 4, 2009
 Public Hearing – May 5, 2009
 Regular Meeting – May 5, 2009
 Special Meeting – May 6, 2009

Moved by Councillor Rule/Seconded by Councillor Hobson

R562/09/05/19 THAT the Minutes of the Regular Meeting of May 4th, 2009 and May 5th, 2009 and the Minutes of the Public Hearing of May 5, 2009 and the Minutes of the Special Meeting of May 6, 2009 be confirmed as circulated.

Carried

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

Moved by Councillor Hodge/Seconded by Councillor Given

R563/09/05/19 THAT the Regular Council Meeting be continued past 11:00 pm in accordance with Section 5.5 of the Council Procedure Bylaw No. 9200.

Carried

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.01 Bylaw No. 10077 (OCP07-0037) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road – **Requires a majority of all Members of Council (5)**

Councillor Reid declared a conflict of interest as she has a business relationship with the applicant and left the meeting at 1:21 a.m.

Regular MeetingMay 19, 2009

Councillor Stack declared a conflict of interest as he has been advised by the City Solicitor that he may be perceived as having a non-pecuniary conflict of interest in this application as the organization he works for employs the applicant's agent, New Town Architectural Services, as its agent, and left the meeting at 1:21 a.m.

Council:

- Would like the applicant to do a better job of screening the substation.

Moved by Councillor James/Seconded by Councillor Given

R564/09/05/19 THAT Bylaw No. 10077 be read a second and third time.

Carried

Mayor Shepherd and Councillor Hodge – Opposed.

5.02 Bylaw No. 10078 (Z07-0107) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road

Moved by Councillor Given/Seconded by Councillor James

R565/09/05/19 THAT Bylaw No. 10078 be read a second and third time.

Carried

Mayor Shepherd and Councillor Hodge – Opposed.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R566/09/05/19 THAT Council requests that FortisBC Inc. provide permanent screening on the site, in the form of fencing, berming and enhanced landscaping, in order to minimize the visibility of the site by the public.

Carried

Councillors Reid and Stack rejoined the meeting at 1:46 a.m.

5.03 Bylaw No. 10179 (Z09-0002) – Jaskaran Kandola (Axel Hilmer) – 446 Dell Road

Moved by Councillor Given/Seconded by Councillor Hodge

R567/09/05/19 THAT Council defer consideration of Bylaw No. 10179 (Z09-0002) to the June 2, 2009 Public Hearing.

Carried

5.04 Bylaw No. 10180 (HRA09-0002) – Davara Holdings Ltd. (Dustin Sargent) – 911 Borden Avenue

Councillor Stack declared a conflict of interest as the organization he works for owns property within the notification area and left the meeting at 1:47 a.m.

Moved by Councillor Hodge/Seconded by Councillor Rule

R568/09/05/19 THAT Bylaw No. 10180 be amended at first reading to include a clause in the Heritage Revitalization Agreement indicating that access and egress onto the site via Ethel Street be restricted to a forward motion;

Regular MeetingMay 19, 2009

AND THAT Bylaw No. 10180 be read a second and third time.

Carried

Councillor Stack rejoined the meeting at 1:50 a.m.

- 5.03 Bylaw No. 10179 (Z09-0002) – Jaskaran Kandola (Axel Hilmer) – 446 Dell Road

Mayor Shepherd advised that this Agenda Item will have to be deferred as the applicant did not meet the Development Procedures Bylaw criteria with respect to signage notification.

Moved by Councillor Given/Seconded by Councillor Hodge

R569/09/05/19 THAT Council defer consideration of Bylaw No. 10179 (Z09-0002) to the June 2, 2009 Public Hearing.

Carried

- 5.05 Bylaw No. 10181 (Z09-0016) – 696617 BC Ltd. (Ken & Barbara Redlick) – 1310 Tanemura Crescent

Moved by Councillor Hodge/Seconded by Councillor Rule

R570/09/05/19 THAT Bylaw No. 10181 be read a second and third time.

Carried

- 5.06 Bylaw No. 10185 (OCP09-0005) – Dorion Developments Ltd. (CEI Architecture) – 565, 591, 615, 641, 657 & 683 Osprey Avenue, 564, 594, 616, 636 & 656 Raymer Avenue and 2764 Richter Street – **Requires a majority of all Members of Council (5)**

Moved by Councillor Given/Seconded by Councillor James

R571/09/05/19 THAT Bylaw No. 10185 be read a second and third time.

Carried

- 5.07 Bylaw No. 10186 (Z09-0015) – Dorion Developments Ltd. (CEI Architecture) - 565, 591, 615, 641, 657 & 683 Osprey Avenue, 564, 594, 616, 636 & 656 Raymer Avenue and 2764 Richter Street

Moved by Councillor Reid/Seconded by Councillor Blanleil

R572/09/05/19 THAT Bylaw No. 10186 be read a second and third time.

Carried

- 5.08 Bylaw No. 10194 (Z08-0098) – 51561 BC Ltd. (Arthur Razzini) – 425 Leon Avenue

Moved by Councillor Blanleil/Seconded by Councillor Reid

R573/09/05/19 THAT Bylaw No. 10194 be read a second and third time.

DEFEATED

Mayor Shepherd and Councillors Hobson, James, Rule and Stack – Opposed.

Regular MeetingMay 19, 2009Moved by Councillor Rule/Seconded by Councillor Reid

R574/09/05/19 THAT Council work with staff, the Downtown Kelowna Association, and any other stakeholders with respect to a review of the Mayor's Entertainment District Task Force's recommendations and in particular, a review of the hours of operation (soft closings), the possibility of implementing the TreoScope or Bar Watch programs.

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

5.09 Bylaw No. 10187 (Z09-0017) – Sonya & William Peitsch – 4485 Gordon Drive

Moved by Councillor Reid/Seconded by Councillor Blangleil

R575/09/05/19 THAT Bylaw No. 10187 be read a second and third time and be adopted.

Carried6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS6.01 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9787 (OCP06-0005) – Cara Glen Estates Ltd. – 1490 Cara Glen Way and 530 Caramillo Court – **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Reid

R576/09/05/19 THAT Bylaw No. 9787 be adopted.

Carried

Councillor Hodge – Opposed.

- (ii) Bylaw No. 9788 (Z06-0024) – Cara Glen Estates Ltd. – 530 Caramillo Court

Moved by Councillor Stack/Seconded by Councillor Reid

R577/09/05/19 THAT Bylaw No. 9788 be adopted.

Carried

Councillor Hodge – Opposed.

- (b) Community Sustainability Division, dated April 22, 2009 re: Development Permit Application No. DP06-0065 and Development Variance Permit Application No. DVP06-0066 – Cara Glen Estates Ltd. – 530 & 536 Caramillo 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**

Staff:

- Do not believe that a traffic study was required for this development.

Regular MeetingMay 19, 2009

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

- Letter of Opposition:
 - Peter & Barbara Chin, 537 Caramillo Court
- Additional Information from Applicant:
 - Background information on the subject property.

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

Toby Nolitt, Agent for the Applicant

- Responded by letter to Mr. & Mrs. Chin and read that letter to Council.
- Confirmed that there will not be 6 storey building across the street from 537 Caramillo Court.
- Spoke to the Restrictive Covenant on the property.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R578/09/05/19 THAT Final Adoption of OCP Amending Bylaw No. 9787 and Zone Amending Bylaw No. 9788 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0065 for Lot A, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP77707 and part of Lot 20, Sec. 32, Twp 26, O.D.Y.D., Plan KAP60008 Exc. Plans KAP77707 & KAP87078, located on Caramillo Court, 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;
5. The applicant register appropriate reciprocal access easement agreement between Lot 20, Sec. 32, Twp 26, O.D.Y.D., Plan KAP60008 Exc. Plans KAP77707 & KAP87078, and Lot A, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP77707 for shared access from Cara Glen Way,
6. The applicant register appropriate right of way documents for temporary cul-de-sac turn around at the end of Cara Glen Way.

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.

Regular MeetingMay 19, 2009

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0066; Lot A, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP77707, located on Caramillo Court, Kelowna, B.C.;

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

Section 13.9.6(c); Development Regulations;

Vary maximum building height from 9.5m or 2½ storeys permitted to 19.1m or 6 storeys proposed.

Carried

- 6.02 Community Sustainability Division, dated April 27, 2009 re: Development Variance Permit Application No. DVP07-0259 – Gurmail & Manjit Dhillon – 269 Kneller 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:

- Explained why this application is before Council again.

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.

Greg Lang, 1168 Kneller Court

- Inquired if the deck meets the requirements of the property setbacks.
- Concerned about the visual impact to his property.
- Believes that the applicant is asking for more of a variance that he actually needs.
- Advised that the deck at the present is 21 feet from the property line and that the applicant wants to move it 15 feet from the property line.
- Advised that the existing deck is 10 feet long.
- Believes that there is no neighbourhood support for this application.

Staff:

- Confirmed that the property is currently zoned for single-family, residential.

Moved by Councillor Hobson/Seconded by Councillor Reid

R579/09/05/19 THAT Council defer consideration of Development Variance Permit No. DVP07-0259 to the June 2, 2009 Regular Council Meeting.

Carried

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

- (i) Bylaw No. 10139 (OCP08-0025) – Andrew & Carolyn Stevenson – 718 Paret Road – **Requires a majority of all Members of Council (5)**
- (ii) Bylaw No. 10140 (Z08-0090) – Andrew & Carolyn Stevenson – 718 Paret Road

Regular MeetingMay 19, 2009

- (b) Community Sustainability Division, dated April 21, 2009 re: Development Variance Permit Application No. DVP08-0230 – Andrew & Carolyn Stevenson – 718 Paret 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**

Mayor Shepherd advised these Agenda items will have to be deferred as the applicant did not meet the Development Procedures Bylaw criteria with respect to signage notification.

- 6.04 Community Sustainability Division, dated April 17, 2009, re: Development Variance Permit Application No. DVP08-0259 – Charles Fipke (Shoreline Pile Driving) – 3848 Capozzi 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**

Mayor Shepherd advised that this Agenda item will have to be deferred as the applicant did not meet the Development Procedures Bylaw criteria with respect to signage notification.

Moved by Councillor Given/Seconded by Councillor James

R580/09/05/19 THAT Council defer consideration of Bylaw No. 10139 (OCP08-0025), Bylaw No. 10140 (Z08-0090) and Development Variance Permit Application No. DVP08-0230 to the June 2, 2009 Regular Council Meeting;

AND THAT Council defer consideration of Development Variance Permit Application No. DVP08-0259 to the June 2, 2009 Regular Council Meeting.

Carried

7. REMINDERS – Nil.
8. TERMINATION

The meeting was declared terminated at 2:45 a.m.

Certified Correct:

Mayor

City Clerk

SLH/dld