

Regular MeetingNovember 3, 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, November 3rd, 2009.

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

Council members absent: Councillor Angela Reid.

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 6:35 p.m.

2. A Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Special Meeting - October 14, 2009
 Regular A.M. Meeting - October 19, 2009
 Regular P.M. Meeting - October 19, 2009
 Public Hearing - October 20, 2009
 Regular Meeting - October 20, 2009
 Regular A.M. Meeting - October 26, 2009
 Regular P.M. Meeting - October 26, 2009

Moved by Councillor Rule/Seconded by Councillor Hobson

R1043/09/11/03 THAT the minutes of the Regular Meetings of October 19, 2009 and October 20, 2009 and October 26, 2009 and the Public Hearing Meeting of October 20, 2009 and the Special Meeting of October 14, 2009 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. 10245 (OCP07-0032) - 0781540 BC Ltd. - 560, 561, 582 & 583 McKay Avenue - Requires a majority of all Members of Council (5)

Moved by Councillor James/Seconded by Councillor Hodge

R1044/09/11/03 THAT Bylaw No. 10245 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10246 (Z07-0093) - 0781540 BC Ltd. - 560, 561, 582 & 583 McKay Avenue

Moved by Councillor Stack/Seconded by Councillor Hobson

R1045/09/11/03 THAT Bylaw No. 10246 be read a second and third time.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Community Sustainability Division, dated October 5, 2009 re: Development Variance Permit Application No. DVP09-0113 - Bruno & Nancy Curatolo - 660 Thorneloe 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 the following correspondence and/or petitions had been received:

- o Letter of Conditional Support:
 - Ed Schnellert, 656 Kincaid Road

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

Bruno Curatolo, Applicant

- Has read the Letter of Conditional Support that was submitted by Ed Schnellert.
- Advised that he purchased the property from Ed Schnellert's father.
- Advised that the actual property boundary on the flanking side yard does not go right to Kincaid Road. The property that borders Kincaid Road is actually a City-owned boulevard.
- The garage is being positioned in such a way as to maximize the use of the backyard.
- The design of the garage was based on the design of the residential home on the site.
- Despite the conditional support of Mr. Schnellert, no other neighbour in the area has indicated a concern regarding the requested variances.
- Does not currently own a boat, but hopes to one day and that is why he has allowed for boat parking in the design of the garage layout.
- Read a letter in response to Mr. Schnellert's concerns in which he agreed to:
 - o construct a retaining wall, if necessary; and
 - o ensure that proper drainage is done on site.
- Advised that, after receiving legal advice, he cannot agree to a Restrictive Covenant as the area in question is City-owned property and any Restrictive Covenant would have to be agreed to by the City.
- Confirmed that he has no intention of using the garage as a secondary suite.

Gallery:

Ed Schnellert, 656 Kincaid Road

- Advised that he is supportive of the proposal as per the sketches submitted by the applicants.
- Has had a good discussion with the applicants regarding their proposal.
- Concerned about storage/junk being placed along the side and back of the garage, which would be visible from his property.
- Is satisfied with the applicants' proposal regarding the drainage issue.

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City Manager:

- Provided more details regarding what the City can and cannot do with respect to the storage of items on City-owned boulevards.

Bruno Curatolo, Applicant

- Respects Mr. Schnellert's concerns and will be working with him to address them.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R1046/09/11/03 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0113 for Lot A, District Lot 357, SDYD, Plan KAP74667, located at 660 Thorneloe Road, Kelowna, BC;

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

Section 13.1.6(b) Maximum Height - To vary the maximum permitted height for an accessory building from 4.5 m permitted to 5.5 m proposed.

Section 13.1.6(d) Side Yard Setback - To vary the required side yard setback from a flanking street for the accessory garage from 4.5 m required to 1.0 m proposed.

Carried

- 6.2 Community Sustainability Division, dated October 5, 2009 re: Development Variance Permit Application No. DVP09-0119 - Garry & Jean Kinash (Morvil Contractors Ltd.) - 987 Glengarry 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:

- Advised that the applicant has the consent of the abutting property owners.

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 come forward.

Moved by Councillor James/Seconded by Councillor Hodge

R1047/09/11/03 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0119 for Lot 4, Section 29, Township 26, Osoyoos Division Yale District Plan 9865 located at Glengarry Street, Kelowna, B.C.

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

Section 13.1.6 (d) Development Regulations - To vary the south side yard setback from 2m required to 1.5 m proposed.

Carried

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- 6.3 Community Sustainability Division, dated October 2, 2009 re: Development Variance Permit Application No. DVP09-0123 - Watermark Developments Ltd. - 314 Arab 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 Stack/Seconded by Councillor Hobson

R1048/09/11/03 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0123 for Lot 11, Section 3, Township 23, ODYD, Plan KAP88257, located at 314 Arab Road, Kelowna, BC;

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

Section 7.5.9 Fencing and Retaining Walls - To vary the maximum height of a retaining wall from 1.2 m maximum to 3.3 m proposed.

Carried

- 6.4 Community Sustainability Division, dated October 7, 2009, re: Development Variance Permit Application No. DVP09-0124 - Matthew Cameron & Lynne Gibb (Matt & Lynne Cameron) - 3950 June Springs 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.

Matt Cameron, Applicant

- Advised that he objects to the registration of a no build/no disturb covenant to preserve the Riparian Management Area of Rumhor Creek. If the covenant is placed on the property, it will cover almost the entire area of his backyard and will strongly restrict his use of the backyard.
- Advised that the only site for the garage is on the front lawn.

Staff:

- Confirmed that the no build/no disturb covenant is triggered through the Official Community Plan as the area is designated as a stream, and therefore, protection of the area is required.
- Have not had an opportunity to sit down with the applicant to properly explain the necessity of the no build/no disturb covenant.

City Manager:

- Advised that the restrictive covenant will ensure that any future owner of the property abides by the terms of the covenant as it relates to the Riparian Management Area of Rumhor Creek.

There were no further comments.

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R1049/09/11/03 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0124 for Lot 2 Section 3 Township 26 ODYD Plan 13274, located at 3950 June Springs Road, Kelowna, BC, subject to:

1. Registration of a no build/no disturb covenant, acceptable to the Environment & Land Use Branch, to preserve the Riparian Management Area of Rumhor Creek;

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

Section 6.5.8(a) Front Yard Setback - To vary the required front yard setback for the accessory garage from 9.0m required to 3.0m proposed.

Carried

7. REMINDERS

Mayor Shepherd:

- Advised that the next Youth Forum is scheduled for Thursday, November 5th and will focus on sustainability.
- Advised that the next Open House for the Official Community Plan Review is on Saturday, November 7th from 10:00 am to 2:00 pm at the Fire Hall on Enterprise Way.

City Clerk:

- Advised that Bylaw Enforcement will be enforcing the Sign Bylaw that is currently in place.

8. TERMINATION

The meeting was declared terminated at 7:36 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk