

Regular MeetingFebruary 9, 2010

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, February 9<sup>th</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James\*, Angela Reid and Luke Stack.

Council members absent: Councillor Michele Rule.

Staff members in attendance were: Acting City Manager, Jim Paterson; 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 7:39 p.m.

2. A Prayer will be offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - January 25, 2010  
 Regular P.M. Meeting - January 25, 2010  
 Public Hearing - January 26, 2010  
 Regular Meeting - January 26, 2010  
 Regular A.M. Meeting - February 1, 2010  
 Regular P.M. Meeting - February 1, 2010

Moved by Councillor Stack/Seconded by Councillor James

**R113/10/02/09** THAT the Minutes of the Regular Meetings of January 25, 2010, January 26, 2010 and February 1, 2010 and the Public Hearing Meeting of February 1, 2010 be confirmed as circulated.

Carried

4. Councillor Hodge 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. 10269 (TA09-0006) - City of Kelowna - Text Amendment - Agriculture 1 zone Amendment to Zoning Bylaw No. 8000

Councillor James declared a conflict of interest as he has a direct pecuniary interest in this matter as he is the owner of an agri-tourism business and left the meeting at 7:40 p.m.

Council:

- Expressed a concern with the Text Amendment and would like staff to investigate other options.

Regular MeetingFebruary 9, 2010

Staff:

- Confirmed that the Agricultural Land Commission is silent on the location of the agri-tourism accommodations.
- Believes that a designated permit area cannot be established by Council under the current Agricultural Land Commission regulations.
- Site specific zoning is an option that can be explored further.

Moved by Councillor Stack/Seconded by Councillor Reid

THAT Bylaw No. 10269 be read a second and third time.

Moved by Councillor Hodge/Seconded by Councillor Stack

**R114/10/02/09** THAT Council defer consideration of Bylaw No. 10269 (TA09-0006) pending receipt of additional information from staff.

Carried

Councillor James returned to the meeting at 8:04 p.m.

- 5.2 Bylaw No. 10277 (TA09-0008) - City of Kelowna - Text Amendment - Amendment to Section 13 of the City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Stack/Seconded by Councillor Reid

**R115/10/02/09** THAT Bylaw No. 10277 be read a second and third time.

Carried

- 5.3 Bylaw No. 10276 (Z09-0058) - Various Owners (0722955 BC Ltd.) - 5127 Chute Lake Road and 5268-5348 Upper Mission Drive

Moved by Councillor Hobson/Seconded by Councillor Reid

**R116/10/02/09** THAT Bylaw No. 10276 be read a second and third time.

Carried

- 5.4 Bylaw No. 10278 (Z09-0065) - Michael & Sandra Buchner (Mike Buchner) - 835 Quigley Road

Moved by Councillor Stack/Seconded by Councillor Hobson

**R117/10/02/09** THAT Bylaw No. 10278 be read a second and third time.

Carried

- 5.5 Bylaw No. 10279 (Z09-0070) - Mathew & Donna Isabelle - 1199 Loseth Drive

Moved by Councillor Stack/Seconded by Councillor Hobson

**R118/10/02/09** THAT Bylaw No. 10279 be read a second and third time.

Carried

Regular MeetingFebruary 9, 2010

- 5.6 Bylaw No. 10280 (Z09-0066) - T 231 Enterprises Ltd. - 2598, 2620 & 2636 Highway 97 North

Moved by Councillor Stack/Seconded by Councillor Hobson

R119/10/02/09 THAT Bylaw No. 10280 be read a second and third time.

Carried

- 5.7 Bylaw No. 10282 (Z09-0074) - Satinderpal & Rajandeep Ghuman (Axel Hilmer) - 1305 Roth Avenue

Moved by Councillor James/Seconded by Councillor Craig

R120/10/02/09 THAT Bylaw No. 10282 be read a second and third time.

Carried

- 5.8 Bylaw No. 10283 (Z09-0075) - Cody & Andrea Klassen - 1299 Nishi Court

Moved by Councillor Hodge/Seconded by Councillor James

R121/10/02/09 THAT Bylaw No. 10283 be read a second and third time.

Carried

- 5.9 Bylaw No. 10284 (Z09-0072) - Ryan, Joseph & Delores Twordik (Ryan Twordik) - 1495 Kloppenburg Road

Moved by Councillor Hodge/Seconded by Councillor James

R122/10/02/09 THAT Bylaw No. 10284 be read a second and third time.

Carried

## 6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Community Sustainability Division, dated January 15, 2010 re: Development Variance Permit Application No. DVP09-0158 - Gerhard Boepple - 535 Keithley 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 Craig

R123/10/02/09 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0158 for Lot A, Sec.26, Twp.26, ODYD, Plan 37708, located at 535 Keithley Rd., Kelowna, B.C;

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

Regular Meeting

February 9, 2010

**Section 6.5.8(a) Accessory Development - Front Yard Setback**

Vary the front yard setback from Galbraith Place to an accessory building from minimum 18m required to 1.5m proposed.

Carried

7. REMINDERS - Nil.

8. TERMINATION

The meeting was declared terminated at 8:17 p.m.

Certified Correct:

---

Mayor

SLH/dld

---

City Clerk