

Regular MeetingJune 29, 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, June 29th, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Robert Hobson*, Charlie Hodge, Graeme James, Michele Rule and Luke Stack.

Council members absent: Councillors Andre Blanleil and Angela Reid.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:22 p.m.

2. A Prayer was offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - June 14, 2010

Regular P.M. Meeting - June 14, 2010

Public Hearing - June 15, 2010

Regular Meeting - June 15, 2010

Regular A.M. Meeting - June 21, 2010

Regular P.M. Meeting - June 21, 2010

Moved by Councillor Craig/Seconded by Councillor Rule

R613/10/06/29 THAT the Minutes of the Regular Meetings of June 14, 2010, June 15, 2010 and June 21, 2010 and the Public Hearing Meeting of June 15, 2010 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT THE PUBLIC HEARINGS

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.01 Bylaw No. 10322 - Discharge of Land Use Contract LUC74-57 - Dilworth Mountain Estates

Moved by Councillor Hobson/Seconded by Councillor Stack

R614/10/06/29 THAT Bylaw No. 10322 be read a second and third time.

Carried

5.02 Bylaw No. 10323 (OCP09-0013) - Various Owners (City of Kelowna) - Dilworth Mountain Estates - Requires a majority of all Members of Council (5)

Regular MeetingJune 29, 2010Moved by Councillor Hobson/Seconded by Councillor StackR615/10/06/29 THAT Bylaw No. 10323 be read a second and third time.Carried5.03 Bylaw No. 10324 (Z09-0044) - Various Owners (City of Kelowna) - Dilworth Mountain EstatesMoved by Councillor Hobson/Seconded by Councillor StackR616/10/06/29 THAT Bylaw No. 10324 be read a second and third time.Carried5.04 Bylaw No. 10349 (Z10-0007) - Skoglund Enterprises Ltd. (Worman Resources Inc.) - 1830-1836 Underhill StreetMoved by Councillor Stack/Seconded by Councillor HobsonR617/10/06/29 THAT Bylaw No. 10349 be read a second and third time.Carried5.05 Bylaw No. 10352 (TA10-0006) - RU3 - Small Lot Housing - City of Kelowna

Councillor Craig advised that even though he was not present during the entire Public Hearing with respect to this matter, staff did provide him with the applicant's submission and the draft Minutes so that he could participate in the discussion.

Moved by Councillor Stack/Seconded by Councillor HobsonR618/10/06/29 THAT Bylaw No. 10352 be read a second and third time.Carried5.06 Bylaw No. 10350 (OCP10-0005) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road - **Requires a majority of all Members of Council (5)**Moved by Councillor Stack/Seconded by Councillor HobsonR619/10/06/29 THAT Bylaw No. 10350 be read a second and third time.Carried5.07 Bylaw No. 10351 (Z10-0023) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens RoadMoved by Councillor James/Seconded by Councillor RuleR620/10/06/29 THAT Bylaw No. 10351 be read a second and third time.Carried5.08 Bylaw No. 10353 (Z10-0017) - Dorothy Marshall (Jim Andrews) - 1361 Mountain Avenue

Regular MeetingJune 29, 2010Moved by Councillor Hodge/Seconded by Councillor JamesR621/10/06/29 THAT Bylaw No. 10353 be read a second and third time.Carried5.09 Bylaw No. 10354 (Z10-0036) - Jeffrey Kohn (RC Alliance Ltd.) - 4224 Hobson Road

Councillor Hobson declared a conflict of interest as he lives very close to the notification area and left the meeting at 6:31 p.m.

Moved by Councillor James/Seconded by Councillor HodgeR622/10/06/29 THAT Bylaw No. 10354 be read a second and third time.Carried5.10 Bylaw No. 10356 (Z10-0032) - Wallace Westnedge - 450 Donhauser RoadMoved by Councillor Hodge/Seconded by Councillor RuleR623/10/06/29 THAT Bylaw No. 10356 be read a second and third time.Carried(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)5.11 Bylaw No. 10348 (Z10-0030) - Douglas & Lindsay Neyedli - 4631 Darin PlaceMoved by Councillor Rule/Seconded by Councillor HodgeR624/10/06/29 THAT Bylaw No. 10348 be read a second and third time and be adopted.Carried6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS6.1 Community Sustainability Division, dated May 28, 2010 re: Heritage Alteration Permit Application No. HAP10-0004 - Lynda Mayers (Lynda & Edward Mayers) - 3420-3430 Benvoulin 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.

Edward Mayers, Applicant

- Nothing further to add to staff's comments.

There were no further comments.

Regular MeetingJune 29, 2010Moved by Councillor Rule/Seconded by Councillor Stack

R625/10/06/29 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP10-0004 for Lot 1, District Lot 132, ODYD, Plan 8996, located at 3420-3430 Benvoulin 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"

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

Section 11.1.6 (d) Development Regulations - Side Yard Setback
To vary the side yard setback from 3.0m required to 1.5m proposed.

Carried

- 6.2 Community Sustainability Division, dated May 27, 2010 re: Development Variance Permit Application No. DVP10-0034 - Patricia M. Reimer (DJS Contracting) - 3462 Scott 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.

Patricia M. Reimer, Applicant

- Nothing further to add to staff's comments.

There were no further comments.

Moved by Councillor James/Seconded by Councillor Craig

R626/10/06/29 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0034 for Lot 25, DL 134, O.D.Y.D., Plan 3886, located at Scott Road, Kelowna, B.C.

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

Section 13.1.6(a) Development Regulations
To vary the maximum site coverage from 40% permitted to 47% proposed, as shown on Schedule "A".

Carried

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- 6.3 Community Sustainability Division, dated May 31, 2010 re: Development Permit Application No. DP07-0056 and Variance Permit Application No. DVP09-0163 - R93 Enterprises Ltd. (Worman Resources Inc.) - 500 Cook 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.

Councillor Hobson rejoined the meeting at 6:38 p.m.

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.

Shane Worman, Worman Resources Inc., Applicant's Representative

- Nothing further to add to staff's comments.

There were no further comments.

Moved by Councillor Craig/Seconded by Councillor James

R627/10/06/29 THAT Council authorize the issuance of Development Permit No. DP07-0056 for Lot 1, Sections 1 & 12, Township 25 and District Lots 134 & 5225, ODYD, Plan KAP67232; located at 500 Cook Road, Kelowna, BC subject to the following:

- 1) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0163 for Lot 1, Sections 1 & 12, Township 25 and District Lots 134 & 5225, ODYD, Plan KAP67232; located at 500 Cook Road, Kelowna, BC;

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

Section 6.4.2 - Projections into Yards

Vary the maximum permitted projection into a yard from 0.6m permitted to 1.06m proposed.

Carried

- 6.4 Community Sustainability Division, dated May 28, 2010, re: Development Variance Permit Application No. DVP10-0055 - Patti Lee & Garwood Allan Leigh (Garwood Leigh) - 380 Braeloch 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.

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Moved by Councillor Hodge/Seconded by Councillor Craig

R628/10/06/29 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0055 for Lot A, Section 23, Township 28, Similkameen Division Yale District Plan 26731 located at Braeloch Road, Kelowna, B.C.

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

Section 12.2.6 (c) Development Regulations - Front yard set back
To vary the front yard set back from 6m required to 0.9m proposed.

AND FURTHER THAT a building permit for the shed structure be applied for prior to issuance of the Development Variance Permit.

Carried

7. REMINDERS

8. TERMINATION

The meeting was declared terminated at 6:45 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk