

Regular MeetingAugust 9, 2011

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, August 9, 2011.

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

Council members absent: Councillor Angela Reid-Nagy

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Manager, Parks & Public Places, Terry Barton; Manager, Environment and Land Use, Todd Cashin; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:39 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

2. PRAYER

Prayer was offered by Councillor Stack.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - July 25, 2011  
 Regular P.M. Meeting - July 25, 2011  
 Public Hearing - July 26, 2011  
 Regular Meeting - July 26, 2011

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

Moved by Councillor Craig/Seconded by Councillor Stack

R803/11/08/09 THAT the Minutes of the Regular Meetings of July 25, 2011 and July 26, 2011 and the minutes of the Public Hearing of July 26, 2011 be confirmed as circulated.

Carried

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 10569 (Z11-0035) - Robert & Michelle Geismayr - 1599 KLO Road

Moved by Councillor James/Seconded by Councillor Craig

R804/11/08/09 THAT Bylaw No. 10569 be read a second and third time.

Carried

Regular Meeting

August 9, 2011

- 5.2 Bylaw No. 10570 (Z11-0020) - Wayne & Katherine Carter - 705 Camelia Road

Moved by Councillor Craig/Seconded by Councillor James

R805/11/08/09 THAT Bylaw No. 10570 be read a second and third time.

Carried  
Councillor Hobson - Opposed

- 5.3 Bylaw No. 10571 (Z11-0038) - Gary & Darlene Lewis - 3984 Bluebird Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R806/11/08/09 THAT Bylaw No. 10571 be read a second and third time.

Carried

- 5.4 Bylaw No. 10572 (Z11-0036) - Bevin & Alvina Buehler - 620 Dougall Road South

Moved by Councillor Hobson/Seconded by Councillor Stack

R807/11/08/09 THAT Bylaw No. 10572 be read a second and third time.

Carried

6. THE DEPUTY CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 874 letters to the owners and occupiers of surrounding properties between July 22, 2011 and July 29, 2011.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

Councillor Craig declared a conflict of interest due to living in the area and departed the meeting at 8:46 p.m.

- 7.1 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10373 (Z10-0033) - New Opportunities for Women (NOW) Canada Society Inc. - 2609 Richter Street

Moved by Councillor James/Seconded by Councillor Hodge

R808/11/08/09 THAT Bylaw No. 10373 be adopted.

Carried

Regular Meeting

August 9, 2011

- (b) Land Use Management Department, dated July 15, 2011 re: Development Variance Permit Application No. DVP10-0050 - New Opportunities for Women (NOW) Canada Society Inc. - 2609 Richter Street

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.

The Applicant was present, but did not come forward. There were no further comments.

Moved by Councillor Rule/Seconded by Councillor Stack

**R809/11/08/09** THAT Final Adoption of Zone Amending Bylaw No. 10373 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0050, Lot 2, for DL 135, O.D.Y.D., Plan 3929, located on Richter Street, Kelowna, BC;

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

Section 13.9.6(b): Development Regulation - to vary the maximum site coverage for buildings, driveways and parking areas from 50% permitted to 55% proposed,

Section 13.9.6(e): Development Regulation - to vary the minimum south side setback from 4.5m required to 1.45m proposed,

Section 13.9.6(e): Development Regulation - to vary minimum north side setback from 4.5m required to 0.65m proposed.

Carried

Councillor Craig rejoined the meeting at 8:49 p.m.

- 7.2. Land Use Management Department, dated July 14, 2011 re: Development Variance Permit Application No. DVP11-0105 - Shannon Roussel - 800 Cawston Avenue

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.

Applicant, Shannon Roussel, 809 Wilson Avenue

- My intention is to move to Cawston Avenue and live in the primary dwelling.
- As an owner/builder 18 months between occupancy is required. Advised the suite will be built first as it will generate some income. Financing a mortgage on property that will be torn down is not permitted.

There were no further comments.

Regular MeetingAugust 9, 2011Moved by Councillor Craig/Seconded by Councillor Blanleil

**R810/11/08/09** THAT Council authorize the issuance of Development Variance Permit No. DVP11-0105, Lot 50, District Lot 138, ODYD Plan 1277, located at Cawston Avenue, Kelowna, B.C.;

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

Section 9.5.1 (e): Secondary Suite - Accessory Building Height  
To vary the requirement that the accessory building shall not be higher than the existing principal dwelling and allow the accessory building to be higher (to a maximum of 4.5m) than the principal dwelling (as per Schedule 'A').

Carried

## 8. DEVELOPMENT APPLICATION REPORTS

8.1 Land Use Management Department, dated July 20, 2011, re: Agricultural Land Reserve Appeal Application No. A11-0008 - City of Kelowna (Mary Carr et al) - 219, 229, 253-259, 279 & 289 Valley Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R811/11/08/09** THAT Agricultural Land Reserve Appeal Application No. A11-0008 for part of Lot 12 Block 9 Section 4 Township 23 and of Section 33 Township 26 Osoyoos Division Yale District Plan 896; Lot 11 Block 9 Sections 32 and 33 Township 26 Osoyoos Division Yale District Plan 896; Lot 10 Block 9 Section 4 Township 23 and of Section 33 Township 26 Osoyoos Division Yale District Plan 896; Lot 9 Block 9 Section 33 Township 26 Osoyoos Division Yale District Plan 896; Lot A Section 33 Township 26 Osoyoos Division Yale District Plan 30721 located at 219, 229, 253 - 259, 279, 289 Valley Road, Kelowna, B.C. for a block exclusion of land from an Agricultural Land Reserve (ALR), pursuant to Section 29(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the application to the Agricultural Land Commission with the understanding that further detailed mitigation and compensation options are pending Council approval.

Carried

## 9. BYLAWS

## 10. REMINDERS

## 11. TERMINATION

The meeting was declared terminated at 8:57 p.m.

Certified Correct:

---

 Mayor

---

 Deputy City Clerk

ACM/jrl