

Regular MeetingDecember 13, 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, December 13th, 2011.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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 Gray called the meeting to order at 6:08 p.m.

2. PRAYER

A Prayer was offered by Councillor Stack.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - November 28, 2011

Regular P.M. Meeting - November 28, 2011

Public Hearing - November 29, 2011

Regular Meeting - November 29, 2011

Inaugural Meeting - December 5, 2011

Moved by Councillor Stack/Seconded by Councillor Hobson

R1235/11/12/13 THAT the Minutes of the Regular Meetings of November 28th, 2011 and November 29th, 2011, the minutes of the Public Hearing of November 29th, 2011 and the Inaugural Meeting of December 5, 2011 be confirmed as circulated.

Carried

4. Councillor Hobson 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. 10633 (Z11-0074) - Baljit and Jasvinder Khakh (Balwinder Takhar) - 855 Mayfair Road

Moved by Councillor Given/Seconded by Councillor Stack

R1236/11/12/13 THAT Bylaw No. 10633 be read a second and third time.

Carried

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

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 756 letters to the owners and occupiers of the surrounding properties between November 25, 2011 and December 2, 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 No. 309.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Land Use Management Department, dated November 18, 2011 re: Development Variance Permit Application No. DVP10-0020 - Monaf & Khadijah Haidar and Derek & Margaret Niewinski (Mike Haidar) - 1519 and 1529 Longley Crescent 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 Opposition:
 - Christina Newell, 1668 Large Avenue
- o Addition Information:
 - Mike Haidar - Retaining Wall Stability Review, 2007-2011

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

Gallery:

Bill Vos, 1664 Large Avenue

- Advised that his property is directly below the retaining wall.
- Expressed several concerns with the retaining wall.
- Advised that there have been significant ground water problems in the area over the past few years and as a result, there is a history of retaining wall failures.
- Advised that his main concern is with the safety of the retaining wall.
- Confirmed that he expressed his concerns to the property owner.

Monaf Haidar and Derek Niewinski, Applicants

- Advised that there were ongoing problems with soil being deposited from Mr. Niewinski's property onto Mr. Haidar's property and as a result they agreed to construct the retaining wall.
- Advised that they hired a geotechnical engineer and a surveyor to monitor the wall for a period of 3 years, and in that time, the wall did not move.
- Displayed several photos of the property and the retaining wall.
- Advised that the engineer indicated that the initial movement was normal and was a result of the retaining wall settling.
- Believes that the retaining wall provides stability and safety for both property owners.
- As far as they are aware, the water problems in the area have been rectified by the City.
- Confirmed that the engineer's report only relates to the highest part of the retaining wall.

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Bill Vos, 1664 Large Avenue

- Believes that the movement of the retaining wall was a result of the above-ground pool that was originally on the property, but has since been removed.
- Expressed a concern that if the property is sold, a new owner may want to install a pool on the subject property, which could cause the retaining wall to shift.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1237/11/12/13 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0020 for Lots 4 & 5, Section 13, Township 26, ODYD, Plan KAP71317, located at 1519 & 1529 Longley Crescent, Kelowna, BC;

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

Section 7.5.9 (Fencing & Retaining Walls):

To vary the maximum height of a retaining wall in a residential zone from 1.2m allowed to 3.37m proposed, as per Schedule "A".

AND FURTHER THAT the issuance of the Development Variance Permit be subject to:

- a) a Building Permit application being made for the retaining wall; and
- b) the Applicants providing a signed and sealed engineering report for the entire retaining wall, which deems the entire wall system to be safe, being received to the satisfaction of the Building & Permitting Branch.

Carried

- 7.2 Land Use Management Department, dated November 14, 2011, re: Development Variance Permit Application No. DVP11-0172 - Kelowna Motors Investment Ltd. (Kelowna Motors Ltd.) - 2560 Enterprise Way 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 Concern:
 - Eric Rothe, 104-2360 Baron Road

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

Mathew August, Applicant

- Advised that Mazda has changed its building plans for all of its dealership nationwide and that the variance is being requested in order to conform to Mazda's requirements.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Basran

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R1238/11/12/13 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0172, for Lot 4, District Lot 125, ODYD Plan KAP69740, located on Enterprise Way, Kelowna, BC;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 6.1 - Number of Signs and maximum permitted area of signs in the I2 zone:

To vary the permitted number of signs per business from 2 signs permitted to 3 signs proposed, as per schedule "A".

Carried

8. COUNCILLOR ITEMS

8.1 Councillor Singh, re: Recent Fatal Accident - Reservoir (McKinley)

Moved by Councillor Singh/Seconded by Councillor Stack

R1239/11/12/12 THAT Council directs staff to provide an update, for consideration at the January 9, 2012 P.M. Regular Meeting, with respect to the road improvements being contemplated for McKinley Road.

Carried

8.2 Mayor Gray, re: Civic & Community Awards

Mayor Gray:

- Reminded Council and the public that the deadline for nominations for the Civic & Community Awards is 12:00 pm on January 27, 2012 and that the Awards Ceremony will take place on April 19, 2012 at the Kelowna Community Theatre.

9. TERMINATION

The meeting was declared terminated at 7:14 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld