

Regular MeetingJanuary 26, 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, January 26, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, 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; Theatre Manager, Randy Zahara\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:18 p.m.

2. PRAYER

A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - January 11, 2010  
 Regular P.M. Meeting - January 11, 2010  
 Public Hearing - January 12, 2010  
 Regular Meeting - January 12, 2010  
 Regular A.M. Meeting - January 18, 2010  
 Regular P.M. Meeting - January 18, 2010

Moved by Councillor Hodge/Seconded by Councillor Hobson

R078/10/01/26 THAT the minutes of the Regular Meetings of January 11, 2010, January 12, 2010 and January 18, 2010 and the Public Hearing Meeting of January 12, 2010 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 10274 (Z09-0053) - Alex & Cecilia Piercey - 3458 Scott Road

Moved by Councillor James/Seconded by Councillor Stack

R079/10/01/26 THAT Bylaw No. 10274 be read a second and third time.

Carried

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Bylaw No. 9908 (Z07-0064) - Eckhard & Doris Krenz (Lynn Welder Consulting Ltd.) - 932-934 Borden Avenue

Councillor Stack declared a conflict of interest as he controls property in the notification area and left the meeting at 6:23 p.m.

Staff:

- DCC's would be collected during the Building Permit process; however, staff do not anticipate DCC's being collected as the renovations involved do not exceed \$50,000.00.

Moved by Councillor Hodge/Seconded by Councillor Rule

R080/10/01/26 THAT Bylaw No. 9908 be adopted.

Carried

- (b) Community Sustainability Division, dated December 17, 2009, re: Development Permit Application No. DP07-0170 and Development Variance Permit Application No. DVP07-0193 - Eckhard & Doris Krenz (Lynn Welding Consulting Ltd.) - 932-934 Borden Avenue 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:

- Confirmed that there is an un-constructed, dedicated lane behind the subject property.

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.

Lynn Welder, Lynn Welder Consulting Ltd., Applicant

- Advised that the delay in moving this matter forward to the Development Permit and Development Variance Permit stage was due to negotiations with City staff with respect to the form & character of the development. The property owners also live out of the country.
- Confirmed that when the current owners purchased the property, the building was already constructed.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor James

R081/10/01/26 THAT Final Adoption of Zone Amending Bylaw No. 9908 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP07-0170 for Strata Lots 1 & 2, DL 138, O.D.Y.D., Strata Plan KAS2435, located at 932-934 Borden Ave., Kelowna, BC subject to the following:

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- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0193 for Strata Lots 1&2, DL 138, O.D.Y.D., Strata Plan KAS2435, located at 932-934 Borden Ave., Kelowna, BC;

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

Section 13.7.6 (e) Development Regulations

Vary east side yard for 2 storey building from 2.5m required to 2.3m proposed.

Carried

Councillor Stack rejoined the meeting at 6:31 p.m.

- 6.2 Community Sustainability Division, dated December 21, 2009, re: Development Variance Permit Application No. DVP09-0153 - City of Kelowna (Commercial Signs) - 1375 Water Street & 350 Doyle Avenue 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 Craig/Seconded by Councillor Hodge

**R082/10/01/26** THAT Council authorize the issuance of Development Variance Permit No. DVP09-0153 for Lot C, D.L. 139, ODYD, Plan KAP56114, located at 1375 Water Street & 350 Doyle Avenue, Kelowna, B.C;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6.1 Specific Zone Regulations - Public & Institutional Zones (P1)  
Vary the regulations to permit a projecting sign where they otherwise aren't permitted in the P1 zone.

Carried

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- 6.3 Community Sustainability Division, dated December 18, 2009, re: Development Permit Application No. DP09-0151 and Development Variance Permit Application No. DVP09-0164 - H.R. Tostenson Ltd. (Worman Resources Inc.) - 2914 Pandosy 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:

- Confirmed that a gas station used to be located on the subject property and that the Ministry of Environment has already signed off on the site.
- Confirmed that the South Pandosy area does not currently have a landscape policy.

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

- Provided rationale with respect to the completion of the Sustainability Checklist regarding the "0" rating for the "Xeriscaping for Water Conservation or Landscaping with Indigenous Vegetation (drought resistant)".
- Provided rationale with respect to the completion of the Sustainability Checklist regarding the "0" rating for the "Building Orientated and/or Designed to Maximize Energy Savings".

Moved by Councillor Craig/Seconded by Councillor Rule

R083/10/01/26 THAT Council authorize the issuance of Development Permit No. DP09-0151 for Lot 1, DL 14, O.D.Y.D., Plan KAP60851, located at 2194 Pandosy Street, 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";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The applicant be required to satisfy the Development Engineering Branch requirements prior to issuance of the Development Permit.

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0164 for Lot 1, DL 14, O.D.Y.D., Plan KAP60851, located at 2194 Pandosy Street, Kelowna, B.C.;

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

Section 7.6.1 (b) Minimum Landscape Buffers - Level 2  
Vary the front yard landscape buffer from 3.0m required to 1.4m proposed

Carried

6.4 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 10260 (Z09-0052) - Gerald & Susan Lord - 235 Gibbs Road West

Moved by Councillor Stack/Seconded by Councillor Hobson

**R084/10/01/26** THAT Bylaw No. 10260 be adopted.

Carried

(b) Community Sustainability Division, dated December 7, 2009, re: Development Variance Permit Application No. DVP09-0131 - Gerald & Susan Lord - 235 Gibbs Road West 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 Hobson/Seconded by Councillor Stack

**R085/10/01/26** THAT Final Adoption of Zone Amending Bylaw No. 10260 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0131 for Lot 11, Section 26, Township 26, ODYD, Plan 12452, located at Gibbs Road West, Kelowna, BC.

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

Section 13.1.6 (d) To vary the minimum side yard setback for a 1 or 1.5 storey portion of a building from a flanking street from 4.5 m required to 2.5 m proposed.

Carried

7. **REMINDERS**

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8. TERMINATION

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

Certified Correct:

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Mayor

SLH/dld

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City Clerk