

Regular MeetingSeptember 20, 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, September 20<sup>th</sup>, 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.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; 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 6:14 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

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Public Hearing - September 6, 2011  
 Regular Meeting - September 6, 2011  
 Regular A.M. Meeting - September 12, 2011  
 Regular P.M. Meeting - September 12, 2011

Moved by Councillor Craig/Seconded by Councillor Stack

**R941/11/09/20** THAT the Minutes of the Regular Meetings of September 6, 2011 and September 12, 2011 and the minutes of the Public Hearing of September 6, 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. 10590 (TA11-0005) - City of Kelowna - Miscellaneous Housekeeping Text Amendments to the City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor James/Seconded by Councillor Craig

**R942/11/09/20** THAT Bylaw No. 10590 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10591 (TA11-0007) - City of Kelowna - CD2 - Kettle Valley Comprehensive Residential Development to the City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Hodge/Seconded by Councillor RuleR943/11/09/20 THAT Bylaw No. 10591 be read a second and third time.Carried

- 5.3 Bylaw No. 10592 (Z11-0052) - Tracey-Lynne Pedlar - 360 Mugford Road

Moved by Councillor Blanleil/Seconded by Councillor Reid-NagyR944/11/09/20 THAT Bylaw No. 10592 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 the Development Variance Permit Applications was given by sending out or otherwise delivering 466 letters to the owners and occupiers of the surrounding properties between September 2, 2011 and September 9, 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

7.1 (a) BYLAW PRESENTED FOR ADOPTION

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

Moved by Councillor Stack/Seconded by Councillor HobsonR945/11/09/20 THAT Bylaw No. 10571 be adopted.Carried

- (b) Land Use Management Department, dated August 24, 2011 re: Development Variance Permit Application No. DVP11-0083 - Gary and Darlene Lewis - 3984 Bluebird Road Deputy 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 Deputy 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 have anything to add to staff's comments. There were no further comments.

Moved by Councillor James/Seconded by Councillor Hodge

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**R946/11/09/20** THAT Final Adoption of Zone Amending Bylaw No. 10571 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP11-0083, for Parcel Z, Section 1, Township 25, O.D.Y.D., Amended Plan 1452, located on Bluebird Road, Kelowna, BC;

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

Section 6.5.8(a): General Development Regulations, Accessory Development in a Residential Zone - To vary the required front yard setback to an accessory building from 9.0m required to 6.0m proposed.

Section 9.5.1(d): Specific Use Regulations - Secondary Suites - To vary the location of a secondary suite in an accessory building from the rear yard (permitted) to the front yard (proposed).

Carried

- 7.2 Land Use Management Department, dated August 19, 2011 re: Development Variance Permit Application No. DVP11-0143 - Midwest Ventures Ltd. - 1720 Quail Ridge Boulevard Deputy 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 Deputy 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.

Peter Downward, Vice-President Construction, Argus Properties, Applicant's Representative

- Excited about the proposed development.
- Advised that construction is anticipated to start this fall with completion sometime in the fall of 2012.

There were no further comments.

Moved by Councillor Hodge/Seconded by Councillor Stack

**R947/11/09/20** THAT Council authorize the issuance of Development Variance Permit No. DVP11-0143 for Lot 1, Section 14, Twp. 23, ODYD, Plan KAP82802 located at 1720 Quail Ridge Boulevard, Kelowna, B.C;

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

Regular MeetingSeptember 20, 2011Section 14.9.5 (b) Development Regulations - Height

To vary the maximum height from 22m / 6 stories permitted to 24m / 6 stories proposed

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

Section 5.5.2 Specific Regulations - Fascia Signs

To vary the requirement that fascia signs only be permitted on a business frontage to permit a fascia sign that is not located on a business frontage.

Section 5.5.3 (c) Specific Regulations - Fascia Signs

Variance for a fascia sign located above the second storey that does not match the other signs located above the second storey, the regulations require that all signs 1m above the second storey must be identical.

Section 6.1 Specific Zone Regulations - Industrial & Commercial Zones (C9) To permit 4 fascia signs when only 2 fascia signs are permitted.

Carried

- 7.3 Land Use Management Department, dated August 4, 2011 re: Development Variance Permit Application No. DVP11-0090 - H.R. Tostenson Ltd. (Worman Resources Inc.) - 2900 Pandosy Street Deputy 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 Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- Letter of Opposition:
  - Richard & Martha Person, 2934-2936 Pandosy Street
- Letter of Response:
  - Shane Worman, Worman Commercial, 202-474 West Avenue
- Withdrawal of Letter of Opposition:
  - Richard & Martha Person, 2934-2936 Pandosy Street

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 Commercial, Applicant's Representative

- Was able to deal with the concerns of Mr. & Mrs. Person.
- Displayed a photo of the proposed location and size of the signage.
- Described the type of signage that will be erected, including the proposed materials.

There were no further comments.

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Moved by Councillor Stack/Seconded by Councillor Craig

**R948/11/09/20** THAT Council authorize the issuance of Development Variance Permit No. DVP11-0090, Lot 1, District Lot 14, ODYD Plan KAP 607851, located on Pandosy Street, Kelowna, BC.,

AND THAT variances to the following sections of Sign Bylaw 8235 be granted:

Section 5.6.1(d) location of pylon sign

To vary the required setback for a free standing sign from 1.5 meters required to 0.225 meters proposed. (As per Schedule "A")

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 6:32 p.m.

Certified Correct:

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Mayor

SLH/dld

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Deputy City Clerk