

Regular MeetingSeptember 18, 2012

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 18<sup>th</sup>, 2012.

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

Council members absent: Councillor Andre Blanleil

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 Gray called the meeting to order at 6:06 p.m.

2. A Prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Public Hearing - September 4, 2012  
Regular Meeting - September 4, 2012

Moved by Councillor Given/Seconded by Councillor Basran

R855/12/09/17 THAT the Minutes of the Public Hearing and Regular Meeting of September 4, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10751 (OCP12-0003) - Various Owners (Blenk Development Corporation) - Various Wilden Addresses - Various Designations - Requires a majority of all Members of Council (5)

Moved by Councillor Stack/Seconded by Councillor Given

R856/12/09/17 THAT Bylaw No. 10751 be read a second and third time.

Carried

4.2 Bylaw No. 10752 (Z12-0023) - Various Owners (Blenk Development Corporation) - Various Wilden Addresses

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R857/12/09/17 THAT Bylaw No. 10752 be read a second and third time.

Carried

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

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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 1,307 letters to the owners and occupiers of the surrounding properties between August 31, 2012 and September 7, 2012.

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.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1 Bylaw No. 10737 (Z12-0031) - Warner & Judy Kunz (Warner Kunz) - 450 Francis Avenue

Moved by Councillor Hobson/Seconded by Councillor Singh

R858/12/09/17 THAT Bylaw No. 10737 be adopted.

Carried

- 6.1.1 Land Use Management Department, dated August 27, 2012, re: Development Variance Permit Application No. DVP12-0071 - Warner & Judy Kunz (Warner Kunz) - 450 Francis 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 Deputy City Clerk advised no correspondence and/or petitions had been received.

Mayor Gray 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 further to staff's comments. No one came forward.

Moved by Councillor Given/Seconded by Councillor Basran

R859/12/09/17 THAT final adoption of Zone Amending Bylaw No. 10737 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0071, for Lot 9, District Lot 14, ODYD, Plan 7336, located on 450 Francis Avenue, Kelowna, BC;

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

Section 13.6.6(g): Development Regulations

To vary the minimum separation between two single detached housing units from 4.5m permitted to 1.8m proposed.

Carried

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- 6.2 Land Use Management Department, dated August 24, 2012, re: Development Permit Application No. DP12-0115 and Development Variance Permit Application No. DVP12-0116 - Vant Construction Ltd. - 598 Sutherland 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 Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray 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 further to staff's comments. No one came forward.

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

R860/12/09/17 THAT Council authorize the issuance of Development Permit No. DP12-0115 for Parcel A (Being a consolidation of Lots 1 and 2, See LB403940) D.L. 14, ODYD, Plan 1239, located at 598 Sutherland Avenue, 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;

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. DVP12-0116 for Parcel A (Being a consolidation of Lots 1 and 2, See LB403940) D.L. 14, ODYD, Plan 1239, located at 598 Sutherland Avenue, Kelowna, B.C.;

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

**Section 13.11.6 (b) Development Regulations - Site Coverage:**

To vary the maximum site coverage from 60% permitted to 65% proposed for buildings, parking areas and driveways.

**Section 13.11.6 (e) Development Regulations - Side Yard Setback:**

To vary the minimum side yard setback for a portion of a building over 2 ½ storeys from 7.5m to 6.59m.

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To vary the required parking stalls from 23 required to 20 proposed.

Carried

- 6.3 Land Use Management Department, dated August 24, 2012, re: Development Variance Permit Application No. DVP12-0148 - Jeffrey Kohn (RC Alliance Ltd.) - 4224 Hobson 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 Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present. No one came forward.

Moved by Councillor Singh/Seconded by Councillor DeHart

**R861/12/09/17** THAT Council authorize the issuance of Development Variance Permit No. DVP12-0148 for Lot 1 District Lot 167 ODYD Plan 30147, located at 4224 Hobson Rd, Kelowna, B.C.

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

**General Development Regulations:**

Section 6.5.7 - To vary the maximum site coverage of an accessory building from 90 m<sup>2</sup> permitted to 116 m<sup>2</sup> proposed.

**Specific Use Regulations - 9.5 Carriage House:**

Section 9.5b.1(c) - To vary the location of a carriage house in an accessory building from the rear yard (permitted) to the front yard (proposed).

Carried7. **RESOLUTIONS**

- 7.1 Land Use Management Department, Draft Resolution, re: Rezoning Application No. Z12-0017 (Bylaw No. 10739) - Michael Gaspari - 614-624 Francis Avenue

Moved by Councillor DeHart/Seconded by Councillor Singh

**R862/12/09/12** THAT Council defers consideration of Rezoning Application No. Z12-0017 (Bylaw No. 10739) to the October 30, 2012 Public Hearing at 6:00 pm in the Council Chamber.

Carried

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8. COUNCILLOR ITEMS

- 8.1 Councillor Stack, re: Lakeshore Corridor - Lakeshore Road & Mission Creek Bridge

Councillor Stack:

- Expressed a concern with respect to the proposed major road network in the South Mission, Lakeshore Road, and advised that members of the public have indicated a concern as well.

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R863/12/09/18 THAT staff report back to Council at a Monday AM Regular Meeting with a workshop on the new DCC 2030 Road Network Plan, specifically the plan for Lakeshore Road that accommodates 1 lane of traffic in each direction, plus a centre left-hand turn lane between Barnaby Road and Richter Road.

Carried

9. TERMINATION

The meeting was declared terminated at 6:30 p.m.

Certified Correct:

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Mayor

SLH/dld/kn/acm

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Deputy City Clerk