

Regular MeetingMarch 8, 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, March 8th, 2011.

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

Council members absent: Councillors Andre Blanleil and Robert Hobson.

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 6:47 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 Craig.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - February 21, 2011
 Regular P.M. Meeting - February 21, 2011
 Public Hearing - February 22, 2011
 Regular Meeting - February 22, 2011
 Regular A.M. Meeting - February 28, 2011
 Regular P.M. Meeting - February 28, 2011

Moved by Councillor Hodge/Seconded by Councillor Stack

R237/11/03/08 THAT the Minutes of the Regular Meetings of February 21, 2011, February 22, 2011 and February 28, 2011 and the minutes of the Public Hearing of February 22, 2011 be confirmed as circulated.

Carried

4. Councillor James 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. 10474 (Z10-0089) - Jennifer Hindle - 5560 Lakeshore Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R238/11/03/08 THAT Bylaw No. 10474 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10482 (Z10-0096) - Thomas Gruendel (Regjis Enterprises) - 540 Osprey Avenue

Moved by Councillor Rule/Seconded by Councillor Hodge

R239/11/03/08 THAT Bylaw No. 10482 be read a second and third time.

Carried

6. TEMPORARY USE PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 (a) BYLAW PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION

Bylaw No. 10484 (OCP11-0001) - P218 Enterprises Ltd. (P218 Enterprises Ltd. and Wayne Holdings Ltd.) - 459 Groves Avenue and 437 & 442 Newsom Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor James/Seconded by Councillor Craig

R240/11/03/08 THAT Bylaw No. 10484 be read a second and third time and be adopted.

Carried

- (b) Land Use Management Department, dated February 10, 2011 re: Temporary Use Permit Application No. TUP10-0003 - P218 Enterprises Ltd. (P218 Enterprises Ltd. and Wayne Holdings Ltd.) - 459 Groves Avenue and 437 & 442 Newsom Avenue **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 temporary use permit 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. No one came forward.

Moved by Councillor James/Seconded by Councillor Craig

R241/11/03/08 THAT Final adoption of OCP Bylaw Text Amendment No.10484 be considered by Council,

AND THAT Council authorize Temporary Use Permit No. TUP10-0003 to allow construction staging and preparation on Lots 14 & 19, DL 14, O.D.Y.D., Plan 3856, Exc. Plan KAP90797, and Lot 11, Blk 2, DL 18, O.D.Y.D., Plan 4743, Exc. Plan KAP90797, located at 459 Groves Avenue, 442 Newsom Avenue, and 437 Newsom Avenue, Kelowna, B.C, as shown on Map "A" attached to the report of the Land Use Management Department, dated February 4 2011, subject to the following conditions:

- a) Construction of temporary fencing including a visual/noise barrier to the satisfaction of the Director of Land Use Management as shown on "Schedule A":

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- b) The entire area to be surfaced with a suitable dust free material;
- c) The properties to be remediated with suitable vegetation and street trees upon the expiration of the Temporary Use Permit.

CarriedMoved by Councillor Hodge/Seconded by Councillor Rule

R242/11/03/07 THAT Council directs staff to provide Council with the requirements of Soil Removal & Deposit Regulation Bylaw No. 9612 as it relates to Temporary Use Permit No. TUP10-0003 and that staff provide Council with the conditions of any required permit.

Carried

6.2 Land Use Management Department, dated January 28, 2011 re: Development Variance Permit Application No. DVP10-0147 - Callahan Construction Company Ltd. and 3722 Investments Ltd. (Callahan Property Group Ltd.) - 1864 Spall 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.**

Staff:

- Advised that the Applicant is aware of the Report before Council.
- Confirmed that staff contacted the Applicant today to inquire if a representative was going to be present at tonight's Council Meeting. Staff was advised that neither the Applicant nor a representative would be in attendance to speak to the Report.
- Advised that the Applicant also declined to attend the Advisory Planning Commission meeting when this application was considered.
- Advised that if Council does not support the requested variance, the Applicant will have the opportunity, in the future, to apply for a variance to the Sign Bylaw if the Applicant chooses to erect a sign that does not conform to the City's regulations.
- Advised that the Applicant did not provide staff with the reason why the sign was being taken down.

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. No one came forward.

Moved by Councillor Stack/Seconded by Councillor Craig

R243/11/03/08 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP10-0147 for Lot 4, D.L. 129, ODYD, Plan 22647, located at 1864 Spall Road, Kelowna, B.C.

Carried7. REMINDERS - Nil.

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8. TERMINATION

The meeting was declared terminated at 7:01 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk