

Regular MeetingNovember 15, 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, November 15th, 2011.

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

Council members absent: Mayor Sharon Shepherd and Councillor Andre Blanleil.

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

Deputy Mayor Reid-Nagy called the meeting to order at 7:11 p.m.

Deputy Mayor Reid-Nagy 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 Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - October 31, 2011
 Regular P.M. Meeting - October 31, 2011
 Public Hearing - November 1, 2011
 Regular Meeting - November 1, 2011

Moved by Councillor Hobson/Seconded by Councillor Stack

R1147/11/11/15 THAT the Minutes of the Regular Meetings of October 31, 2011 and November 1, 2011 and the minutes of the Public Hearing of November 1, 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. 10622 (Z11-0071) - David Mathieson & Nancy Doehring (David Mathieson) - 3990 Hart Road

Moved by Councillor Stack/Seconded by Councillor Craig

R1148/11/11/15 THAT Bylaw No. 10622 be read a second and third time.

Carried

Regular MeetingNovember 15, 2011

- 5.2 Bylaw No. 10623 (Z11-0041) - Craig Winnick & Nigel Allan (Craig Winnick) - 865 Paret Road

Moved by Councillor Stack/Seconded by Councillor JamesR1149/11/11/15 THAT Bylaw No. 10623 be read a second and third time.Carried

- 5.3 Bylaw No. 10626 (OCP11-0012) - David & Joan Richter (IHS Designs) - 964-968 Borden Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor James/Seconded by Councillor CraigR1150/11/11/15 THAT Bylaw No. 10626 be read a second and third time.Carried

Councillor Hodge - Opposed.

- 5.4 Bylaw No. 10627 (Z11-0027) - David & Joan Richter (IHS Designs) - 964-968 Borden Avenue

Moved by Councillor Craig/Seconded by Councillor JamesR1151/11/11/15 THAT Bylaw No. 10627 be read a second and third time.Carried

Councillor Hodge- Opposed.

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 the Development Variance Permit Applications was given by sending out or otherwise delivering 500 letters to the owners and occupiers of the surrounding properties between October 28, 2011 and November 4, 2011.

The City Clerk advised that Notice of Council's consideration of the Temporary Use Permit Application was advertised by being posted on the Notice Board at City Hall on October 28, 2011 and by being placed in the Kelowna Capital News issues of November 4, 2011 and November 8, 2011, and by sending out or otherwise delivering 1,052 letters to the owners and occupiers of the surrounding properties between October 28, 2011 and November 4, 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 Land Use Management Department, dated October 21, 2011 re: Development Variance Permit Application No. DVP11-0175 - Walter & Melinda Murovec - 470 Barkley 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 City Clerk advised that no correspondence and/or petitions had been received.

Regular MeetingNovember 15, 2011

Deputy Mayor Reid-Nagy 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. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Stack

R1152/11/11/15 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0175 for Lot 17, District Lot 167, ODYD, Plan 13550, located at 470 Barkley Road, Kelowna, BC;

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

Section 13.1.6(e) - RU1 Development Regulations: To vary the minimum rear yard from 4.5m required to 2.2m proposed, as per Schedule "A".

Carried

7.2 (a) BYLAW PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION

Bylaw No. 10625 (OCP11-0015) - Trustees of the Congregation of St. Paul's United Church (Rob Couch) - 3131 Lakeshore Road - Temporary Use Permit (TUP11-0001) - Requires a majority of all Members of Council (5)

Moved by Councillor Hodge/Seconded by Councillor James

R1153/11/11/15 THAT Bylaw No. 10625 be amended at first reading by deleting Table "A" in its entirety and replacing it with a new Table "A".

Carried

Moved by Councillor Hodge/Seconded by Councillor James

R1154/11/11/15 THAT Bylaw No. 10625 be read a second and third time and be adopted.

Carried

(b) Land Use Management Department, dated October 14, 2011 re: Temporary Use Permit Application No. TUP11-0001 - Trustees of the Congregation of ST. Paul's United Church (Rob Couch) - 3131 Lakeshore 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 temporary use permit to come forward.

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor Reid-Nagy 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 Rule/Seconded by Councillor Hobson

Regular Meeting

November 15, 2011

R1155/11/11/15 THAT Final Adoption of OCP Bylaw Text Amendment No. 10625 be considered by Council;

AND THAT Council authorize Temporary Use Permit No. TUP11-0001 to allow the use of a portion of the parking lot for "non-accessory parking" for Lot 1, District Lots 14 & 135, O.D.Y.D., Plan 34984, Exc. Plans 35454 & KAP67299, located on Lakeshore Road, Kelowna, BC as shown on Map 'A' attached to the report of the Land Use Management Department, dated October 14, 2011 subject to the following conditions:

- a) That the area required for the parking lot be landscaped and fenced in accordance with Schedule 'A';
- b) That a hard, dust free surface be maintained for this parking area.

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 7:21 p.m.

Certified Correct:

Deputy Mayor Reid-Nagy

City Clerk

SLH/dld