

Regular MeetingJune 15, 1999

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, June 15, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil\*, M.I. Bremner, R.D. Cannan, C.B. Day, R.D. Hobson\*, J.D. Leask, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; Transportation Manager, R.W. Westlake\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:50 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, May 17, 1999

Moved by Councillor Nelson/Seconded by Councillor Leask

**R499/99/06/15** THAT the minutes of the Regular Meeting of May 17, 1999 be confirmed as circulated.

Carried

3.2 Public Hearing, May 18, 1999

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R500/99/06/15** THAT the minutes of the Public Hearing of May 18, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, May 18, 1999

Moved by Councillor Leask/Seconded by Councillor Nelson

**R501/99/06/15** THAT the minutes of the Regular Meeting of May 18, 1999 be confirmed as circulated.

Carried

3.4 Regular Meeting, May 31, 1999

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R502/99/06/15** THAT the minutes of the Regular Meeting of May 31, 1999 be confirmed as circulated.

Carried

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4. Councillor Hobson was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

- 5.1 Bylaw No. 8404 (TA99-004) – City of Kelowna Zoning Bylaw Text Amendment to add the A1s (Agriculture 1 with Secondary Suite) Designation to the A1 (Agriculture 1) Zone

The City Clerk advised that Ministry of Transportation and Highways' approval of the bylaw was received after the agenda was printed and it would now be appropriate to also consider the bylaw for adoption.

Moved by Councillor Day/Seconded by Councillor Hobson

**R503/99/06/15** THAT Bylaw No. 8404 be read a second and third time and be adopted.

Carried

- 5.2 Bylaw No. 8405 (Z99-1004) – Danny & Halina Scuka – 881 Highway 33 East

Moved by Councillor Hobson/Seconded by Councillor Day

**R504/99/06/15** THAT Bylaw No. 8405 be read a second and third time.

Carried

- 5.3 Bylaw No. 8424 (Z99-1003) – 554764 B.C. Ltd. (D.E. Pilling & Associates) – 170 Nickel Road, and City of Kelowna Official Community Plan Amendment No. OCP99-004 **requires majority vote of full Council (5)**

Moved by Councillor Day/Seconded by Councillor Hobson

**R505/99/06/15** THAT Bylaw No. 8424 be read a second and third time.

Carried

EXTENSION OF MEETING

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R506/99/06/15** THAT the Rules of Procedure be suspended and the meeting be continued beyond 11:00 p.m.

Carried

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- 5.4 Bylaw No. 8406 (Z99-1005) – Ashok, Kuldip, Raj, Mayaram and Parmar (Annie Beserekian) – 418 McLennan Crescent

Members of Council noted the Hartman area is unique in that it was pre-planned to allow for a diversity of density and agreed to defer further consideration of 's' zone applications in the Hartman area pending a staff review of the original intent of the Hartman area pre-plan and examination of the overall impact of the 's' zone on the Hartman area.

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R507/99/06/15** THAT further reading consideration of Bylaw No. 8406 (Z99-1005 – Annie Beserekian for the Parmars – 418 McLennan Crescent) be tabled to the Regular Meeting of July 12, 1999 pending a report from staff regarding the impact of the 's' zone in the Hartman Road area.

Carried

Councillors Bremner, Cannan, Leask and Nelson opposed.

- 5.5 Bylaw No. 8407 (Z98-1055) – Paul & Sarah Brownlee – 1212 Cerise Drive

A member of Council commented that regardless of the outcome of this application, the City's traffic engineers need to look into the safety concerns on Cerise Road that were raised by residents at the public hearing.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R508/99/06/15** THAT Bylaw No. 8407 be read a second and third time, and be adopted.

Carried

Councillors Bremner, Cannan, Leask and Nelson opposed.

- 5.6 Bylaw No. 8421 (Z99-1013) – David & Tanya Newman – 412 McLennan Crescent

The City Clerk advised that subsequent to placing this bylaw on the agenda, the Clerk's Department was informed that there are still outstanding Inspection Services issues to be addressed by the applicant and therefore the bylaw cannot also be considered for adoption at this time.

Moved by Councillor Shepherd/Seconded by Councillor Day

**R509/99/06/15** THAT further reading consideration of Bylaw No. 8421 (Z99-1013 – David & Tanya Newman – 412 McLennan Crescent) be tabled to the Regular Meeting of July 12, 1999 pending a report from staff regarding the impact of the 's' zone in the Hartman Road area.

Carried

Councillors Bremner, Cannan, Leask and Nelson opposed.

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- 5.7 Bylaw No. 8422 (Z99-1012) – R89 Enterprises Ltd. (Marty Van Mulder) – 954 Friesen Road

Moved by Councillor Shepherd/Seconded by Councillor Day

**R510/99/06/15** THAT further reading consideration of Bylaw No. 8422 (Z99-1012 - Marty Van Mulder, R89 Enterprises Ltd./Cathleen & Bret Loge – 954 Friesen Road) be tabled to the Regular Meeting of July 12, 1999 pending a report from staff regarding the impact of the 's' zone in the Hartman Road area.

DEFEATED

Councillors Blanleil, Bremner, Cannan, Leask and Nelson opposed.

Moved by Councillor Shepherd/Seconded by Councillor Day

**R511/99/06/15** THAT Bylaw No. 8422 be read and second and third time and be adopted.

DEFEATED

Councillors Blanleil, Bremner, Cannan, Hobson and Shepherd opposed.

***(The above vote was reconsidered later in the meeting – see discussion after adoption of the resolution for agenda item No. 6.1)***

- 5.8 Bylaw No. 8423 (Z99-1015) – Craig & Lelia Koop – 465 Wigglesworth Crescent

Moved by Councillor Day/Seconded by Councillor Shepherd

**R512/99/06/15** THAT further consideration of Bylaw No. 8423 (Z99-1015 – Craig & Lelia Koop – 465 Wigglesworth Crescent) be tabled to the Regular Meeting of July 12, 1999 pending a report from staff regarding the impact of the 's' zone in the Hartman Road area.

Carried

Councillors Bremner, Cannan, Leask and Nelson opposed.

- 5.9 Bylaw No. 8425 (Z99-1019) – Bromley Equity Ltd. – 3618 Luxmoore Road

Moved by Councillor Nelson/Seconded by Councillor Leask

**R513/99/06/15** THAT Bylaw No. 8425 be adopted.

Carried

The Transportation Manager entered the Council Chamber at 11:40 p.m.

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- 6.1 Planning & Development Services Department, dated April 30, 1999 re: Development Variance Permit Application No. DVP99-10,017 – Jamie Brown/Bromley Equity Ltd. – 3618 Luxmoore Road (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and briefly outlined the report noting rezoning of the property was a subject of tonight's public hearing. The applicant is proposing the construction of a secondary suite; however the suite size exceeds bylaw requirements. Staff recommend support.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R514/99/06/15** THAT Municipal Council authorize the issuance of Development Variance Permit No. 99-10,017; Bromley Equity Ltd.; Lot 2, Sec. 34, Twp. 29, O.D.Y.D., Plan 28161; located on Luxmoore Road, Kelowna, B.C.;

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

Section 9.5.4 Secondary Suites, Maximum Floor: to vary by 15 m<sup>2</sup> the requirement from the maximum floor area of 90 m<sup>2</sup> to an area of 105 m<sup>2</sup> as proposed.

Carried

Councillor Blanleil asked that the vote for Bylaw No. 8422 be reconsidered because he voted contrary to his intent to be consistent in deferring all four of the Hartman area applications.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R515/99/06/15** THAT the Council vote on Bylaw No. 8422 (Z99-1012 – Marty Van Mulder, R89 Enterprises Ltd./Cathleen & Bret Loge – 954 Friesen Road) be reconsidered.

Carried

- 5.7 Bylaw No. 8422 (Z99-1012) – R89 Enterprises Ltd. (Marty Van Mulder) – 954 Friesen Road

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R516/99/06/15** THAT further reading consideration of Bylaw No. 8422 (Z99-1012 - Marty Van Mulder, R89 Enterprises Ltd./Cathleen & Bret Loge – 954 Friesen Road) be tabled to the Regular Meeting of July 12, 1999 pending a report from staff regarding the impact of the 's' zone in the Hartman Road area.

Carried

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- 7.0.1 Transportation Manager, dated April 28, 1999 re: Development Variance Permit Application No. DVP99-10,021 – Canyon Creek Joint Venture (Rob Fortuin/Stantec Consulting Group) – McCulloch Road at K.L.O. Creek (3090-20)

The Transportation Manager presented the report with the aid of maps displayed on the overhead projector noting this is the second time a Development Variance Permit has been considered for variance of the design speed for McCulloch. In May 1998 Council supported a staff recommendation to deny an application to vary the City's standard for a horizontal curve on an arterial road. However, based on new information received through a joint safety review of roads in the area with ICBC, staff are now prepared to support varying the design speed from 70 km per hour to 30 km per hour along the section of McCulloch Road adjacent to the KLO Creek corridor.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward.

Rob Furtuin, applicant, responded to questions of Council advising that the access to the quarry on the property to the south would be widened somewhat, there should be no problem for trucks getting in or out of the quarry site, and that sight distances would be adequate for 50 km/hour stopping distance.

In response to questions of Council, the Transportation Manager advised that the proposed speed limitation and road curvature would be adequate for the 20 year servicing plan period but another solution would be required in the long term.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R517/99/06/15** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,021; Stantec Consulting Group for Canyon Creek Joint Venture, on lands described as that part of McCulloch Road, Kelowna, BC, adjacent to the KLO Creek corridor, to vary Schedule 4.2, Table 2, of the Subdivision, Development and Servicing Bylaw No. 7900, by reducing the Arterial Roadway design speed from 70 km/hr. to 30 km/hr. along that section of McCulloch Road adjacent to the KLO Creek corridor.

Carried

7. BYLAWS**BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 8419 (TA99-003) – City of Kelowna Zoning Bylaw Text Amendment to add RU6b – Two Dwelling Housing with Boarding or Lodging House to the RU6 – Two Dwelling Housing zone

Moved by Councillor Hobson/Seconded by Councillor Day

**R518/99/06/15** THAT Bylaw No. 8419 be read a first time.

Carried

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Councillor Blanleil left the Council Chamber at 12:02 a.m.

- 7.2 Bylaw No. 8420 (Z99-1024) – City of Kelowna – To change the zoning of various properties from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding or Lodging House zone

Moved by Councillor Day/Seconded by Councillor Hobson

**R519/99/06/15** THAT Bylaw No. 8420 be read a first time.

Carried

- 7.3 Bylaw No. 8428 (Z99-1014) – The Roman Catholic Bishop of Nelson (Porter Ramsay) – 620 Rutland Road North, 170 Leathead Road and 605 Ford Road, and City of Kelowna Official Community Plan Amendment No. OCP99-008 requires **majority vote of full Council (5)**

Councillor Hobson declared a potential conflict of interest as a member of the Regional Health Board and left the Council Chamber at 12:02 a.m.

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R520/99/06/15** THAT Bylaw No. 8428 be read a first time.

Carried

Councillor Hobson returned to the Council Chamber at 12:03 a.m. and took his place at the Council Table.

- 7.4 Bylaw No. 8429 (Z99-1018) – Lance Pilott – 1277 Houghton Road

Moved by Councillor Nelson/Seconded by Councillor Leask

**R521/99/06/15** THAT Bylaw No. 8429 be read a first time.

Carried

- 7.5 Bylaw No. 8430 (TA99-001) – City of Kelowna Zoning Bylaw Text Amendment to add Boat Storage as a Principal Use in the C9 – Tourist Commercial zone

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R522/99/06/15** THAT Bylaw No. 8430 be read a first time.

Carried

Councillor Blanleil returned to the Council Chamber at 12:04 a.m. and took his place at the Council Table.

- 7.6 Bylaw No. 8431 (Z98-1030) – Bryon & Patricia Truswell (New Town Planning Services Inc.) – 550 Truswell Road

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R523/99/06/15** THAT Bylaw No. 8431 be read a first time.

Carried

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- 7.7 Bylaw No. 8432 (Z99-1029) – Robert & Patricia Richardson – 406 Christleton Avenue

Moved by Councillor Leask/Seconded by Councillor Nelson

**R524/99/06/15** THAT Bylaw No. 8432 be read a first time.

Carried

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.8 Bylaw No. 8326 – Amendment No. 7 to Development Application Fees Bylaw No. 8034 (fee for rezoning to 'b' designation)

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R525/99/06/15** THAT Bylaw No. 8326 be read a first, second and third time.

Carried

- 7.9 Bylaw No. 8396 – Amendment No. 3 to Sign Bylaw No. 8235 (adds provisions for 'b' designation as part of zoning classification)

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R526/99/06/15** THAT Bylaw No. 8396 be read a first, second and third time.

Carried

- 7.10 Bylaw No. 8397 – Amendment No. 7 to Kelowna Development Cost Charge Bylaw No. 7728 (adds provisions for 'b' designation as part of zoning classification)

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R527/99/06/15** THAT Bylaw No. 8397 be read a first, second and third time.

Carried

- 7.11 Bylaw No. 8398 – Amendment No. 2 to Subdivision, Development and Servicing Bylaw No. 7900 (adds provisions for 'b' designation as part of zoning classification)

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R528/99/06/15** THAT Bylaw No. 8398 be read a first, second and third time.

Carried

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7.12 Bylaw No. 8433 – South Pandosy Revitalization Specified Areas No. 1 & 2 Security Issuing Bylaw

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R529/99/06/15** THAT Bylaw No. 8433 be read a first, second and third time.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 12:07 a.m.

Certified Correct:

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Mayor

City Clerk

BLH/am