

Regular MeetingAugust 10, 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, August 10, 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. Nelson and S.A. Shepherd.

Council members absent: Councillor J.D. Leask.

Staff members in attendance were: Acting-City Manager/Director of Planning & Development Services, R.L. Mattiussi; City Clerk, D.L. Shipclark; Special Projects Planning Manager, H.M. Christy; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:30 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, July 26, 1999

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R687/99/08/10** THAT the minutes of the Regular Meeting of July 26, 1999 be confirmed as circulated.

Carried

3.2 Public Hearing, July 27, 1999

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R688/99/08/10** THAT the minutes of the Public Hearing of July 27, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, July 27, 1999

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R689/99/08/10** THAT the minutes of the Regular Meeting of July 27, 1999 be confirmed as circulated.

Carried

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

Regular MeetingAugust 10, 19995. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

- 5.1 Bylaw No. 8445 (Z99-1035) – Constance, William & Margaret Burgher  
(Lorne Robinson) – 527 Radant Road

Councillor Day declared a potential conflict of interest as the owner of property within the notification radius and left the Council Chamber at 9:31 p.m.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R690/99/08/10** THAT Bylaw No. 8445 be read a second and third time.

Carried

Councillor Day returned to the Council Chamber at 9:32 p.m. and took his place at the Council Table.

- 5.2 Bylaw No. 8446 (Z99-1021) – Thelma & Andy Davis – 1590 Lindsay Drive

Members of Council stated their views on the application.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R691/99/08/10** THAT Bylaw No. 8446 be read a second and third time.

DEFEATED

All members of Council opposed with the exception of Councillor Leask who was absent.

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

- 6.1 Bylaw No. 8444 (Z99-1032) – Shane Bellman & Gisele Jean – 884  
Toovey Road

Councillor Day declared a potential conflict of interest as the owner of property within the notification radius and left the Council Chamber at 9:48 p.m.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R692/99/08/10** THAT Bylaw No. 8444 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 9:49 p.m. and took his place at the Council Table.

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- 6.2 Bylaw No. 8453 (Z99-1038) – Kenneth & Myra Warren (Joray Homes) – 4335 Lakeshore Road

Moved by Councillor Shepherd/Seconded by Councillor Hobson**R693/99/08/10** THAT Bylaw No. 8453 be read a first time.Carried

- 6.3 Bylaw No. 8454 (Z99-1030) – Dean & Penny Leblanc – 543 Milton Road

Council noted that this is another application where the suite is already constructed in advance of the zoning. They acknowledged that the City cannot stop people from over-building but also recognized that once the plumbing and wiring are in place for a suite the temptation is greater to have an illegal suite in the event that rezoning is denied. Staff were asked to review the inspection and rezoning processes taking into consideration the concerns raised at tonight's public hearing and if warranted, draft a policy to help deal with the current grey area in dealing with secondary suite applications.

Council also commented that if applications meet the basic requirements of the zone but do not meet with the spirit of the zone, then maybe staff need to look at the specifications of the zone (i.e. maximum size of the suite, building location) to make sure the intent of being secondary to the primary use of the dwelling is not lost. A member of Council suggested implementing a form that applicants would have to sign when applying for a secondary suite that would confirm that they were made aware by staff not to proceed with any renovations/construction in advance of Council's approval of their rezoning. That form could be attached to the staff report to Council so that Council could know for sure that the applicant knew better if he still chose to over-build in advance.

Moved by Councillor Hobson/Seconded by Councillor Nelson**R694/99/08/10** THAT Bylaw No. 8454 be read a first time.Carried

Councillors Cannan and Shepherd opposed.

- 6.4 Bylaw No. 8448 – City of Kelowna Official Community Plan Amendment No. OCP97-024 – Marona Estates Ltd. – Valley Road & Glenmore Road **requires majority of full Council (5)**

Councillor Day declared a potential conflict of interest for this bylaw and the next two bylaws because all involve property owned by direct members of his family and left the Council Chamber at 10:01 p.m.

Moved by Councillor Hobson/Seconded by Councillor Bremner**R695/99/08/10** THAT Bylaw No. 8448 be read a first time.Carried

Councillor Cannan opposed.

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- 6.5 Bylaw No. 8449 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-009 to add the CD3 – Comprehensive Development 3 Zone

Moved by Councillor Hobson/Seconded by Councillor Bremner

**R696/99/08/10** THAT Bylaw No. 8449 be read a first, time.

Carried

Councillor Cannan opposed.

- 6.6 Bylaw No. 8450 (Z97-1021) – Marona Estates Ltd. (Warren Neufeld) – 720 Valley Road and 780 Glenmore Road

Moved by Councillor Hobson/Seconded by Councillor Bremner

**R697/99/08/10** THAT Bylaw No. 8450 be read a first time.

Carried

Councillor Cannan opposed.

Councillor Day returned to the Council Chamber at 10:04 p.m. and took his place at the Council Table.

- 6.6.1 Bylaw No. 8455 - Public Nuisance Bylaw

The Director of Planning & Development Services advised the bylaw is intended to help the police and City bylaw enforcement staff deal with drug-related problems being experienced in the downtown area. The bylaw would allow people engaged in a nuisance activity in certain public areas including the downtown parks, in the Kasugai Gardens, at the Bennett Clock and at City Hall to be banned from the area for up to one year after conviction for a nuisance activity.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R698/99/08/10** THAT Bylaw No. 8455 be read a first time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.7 Bylaw No. 8437 – Sewage Treatment Plant (KPCC) Upgrade – Phase 3 Security Issuing Bylaw

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R699/99/08/10** THAT Bylaw No. 8437 be adopted.

Carried

- 6.8 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 Nelson

**R700/99/08/10** THAT Bylaw No. 8326 be adopted.

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- 6.9 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 Nelson**R701/99/08/10** THAT Bylaw No. 8396 be adopted.Carried

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

Moved by Councillor Cannan/Seconded by Councillor Nelson**R702/99/08/10** THAT Bylaw No. 8397 be adopted.Carried

- 6.11 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 Cannan/Seconded by Councillor Nelson**R703/99/08/10** THAT Bylaw No. 8398 be adopted.Carried

## 7. REMINDERS

- (a) Safety Concerns re Access to Parking Lot at Rutland Senior Secondary

Councillor Shepherd noted that all members of Council had received a letter from a resident expressing concerns about the proposed single access to the expanded parking lot at Rutland Senior Secondary School. She asked that staff investigate the matter and provide a report back to Council.

## 8. TERMINATION

The meeting was declared terminated at 10:16 p.m.

Certified Correct:

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 Mayor

BLH/am

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 City Clerk