

Special MeetingJune 22, 1999

A Special 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 22, 1999.

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

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Current Planning Manager, A.V. Bruce*; Special Projects Planning Manager, H.M. Christy*; Roads & Equipment Superintendent, D. Beaudry*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:24 p.m.

2.0 PRAYER

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

2. Councillor Shepherd was requested to check the minutes of the meeting.

3. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

S548/99/06/22 THAT Bylaw No. 8419 be read a second and third time.

Carried

- 3.2 Bylaw No. 8420 (Z99-1024) – City of Kelowna – To rezone various properties to the RU6b zone

Moved by Councillor Cannan/Seconded by Councillor Nelson

S549/99/06/22 THAT Bylaw No. 8420 be read a second and third time.

Carried

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- 3.3 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)**

Moved by Councillor Nelson/Seconded by Councillor Cannan**S550/99/06/22** THAT Bylaw No. 8428 be read a second and third time.Carried

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

Moved by Councillor Nelson/Seconded by Councillor Cannan**S551/99/06/22** THAT Bylaw No. 8429 be read a second and third time.Carried

- 3.5 Bylaw No. 8430 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-001 to add “Boat Storage” as a principal use in the C9 – Tourist Commercial zone

Moved by Councillor Shepherd/Seconded by Councillor Blanleil**S552/99/06/22** THAT Bylaw No. 8430 be read a second and third time.Carried

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

Moved by Councillor Blanleil/Seconded by Councillor Shepherd**S553/99/06/22** THAT Bylaw No. 8431 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

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

Moved by Councillor Bremner/Seconded by Councillor Cannan**S554/99/06/22** THAT Bylaw No. 8432 be read a second and third time, and be adopted.Carried

4. PLANNING

- 4.1 Planning & Development Services Department, dated May 28, 1999 re: Development Variance Permit Application No. DVP99-10,042 – Omers Realty Corporation and Oxford MRC Inc. (Mac MacCormack/ Design Tech – 2271 Harvey Avenue (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is proposing modifications to the existing Orchard Park sign on Harvey Avenue. The sign encroaches over the property line and the proposed variance would accommodate the encroachment situation as well as increase the sign height and area. The encroachment is as a result of a 2 m widening taken along Harvey Avenue when Orchard Park last subdivided. The Current Planning Manager showed an artist's rendering of the proposed sign noting the electronic reader board would be removed and the bottom of sign would be opened up to reduce the actual sign mass. Planning Department staff view the proposed single large sign as better than the 3-4 signs smaller signs that would be allowed by the Sign Bylaw.

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

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

S555/99/06/22 THAT Municipal Council authorize the issuance of Development Variance Permit No. 99-10,042; Omers Realty Corp. & Oxford MRC Inc. (Oxford Shopping Centres); Lot 1, D.L. 127, O.D.Y.D., Plan KAP53260, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Free-standing Signs Section 5.6.1(d): The lot line setback be reduced from the 1.5 m required to the 0 m proposed;

Section 6 – Specific Zone Regulations – Major Commercial/Free-standing Signs: The free-standing sign height be increased from the 8.0 m maximum allowed to the 10.97 m proposed; and the sign area allowed be increased from the 18 m² maximum allowed to the 29.76 m² proposed.

Carried

- 4.2 Planning & Development Services Department, dated May 26, 1999 re: Development Variance Permit Application No. DVP99-10,030 – Robert & Patricia Richardson – 406 Christleton Avenue (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council noting a rezoning application for the subject property was subject of tonight's public hearing. The existing side yard setback became non-conforming with changes to setback requirements in the zoning bylaw, subsequent to construction of the dwelling in 1973. The applicant has provided letters of support from residents in the neighbourhood.

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

S556/99/06/22 THAT Municipal Council authorize the issuance of Development Variance Permit No. 99-10,030; Robert Richardson; for Lot 3, D.L. 14, O.D.Y.D., Plan 4366, located on 406 Christleton Avenue, Kelowna, B.C.;

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

Section 13.1.5(d) Development Regulations, Side Yard Setback: a 0.1 m variance to the west side yard setback from the required 2 m to the 1.9 m as proposed.

Carried

- 4.3 Planning & Development Services Department, dated May 26, 1999 re: Development Variance Permit Application No. DVP99-10,036 – Mission Creek Properties and Crompton Enterprises Ltd. (Ian Graham/ Canadian Western Bank) – 1674 Bertram Street (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The requested variance would permit a sign band to be installed at the third floor level of the Canadian Western Bank & Trust building.

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

The Special Projects Planning Manager and the Roads & Equipment Superintendent entered the Council Chamber at 8:44 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

S557/99/06/22 THAT Municipal Council authorize the issuance of Development Variance Permit No. 99-10,036; Canadian Western Bank; Lot A, D.L. 139, O.D.Y.D., Plan 40711, located on 1674 Bertram Street, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 4.1.2 Sign Location: to vary the bylaw to permit the sign to be located on the building two storeys above the location of the business;

Section 5.5.1(a) Fascia Signs: to vary the bylaw to permit the projection of the sign by 0.3 m over the roofline of the building;

Section 5.5.3 location of Fascia Sign: to vary the bylaw to permit the location of a sign above 1.0 m over the second floor.

Carried

- 4.4 Planning & Development Services Department, dated May 27, 1999 re: Development Permit Application No. DP99-10,024 and Development Variance Permit Application No. DVP99-10,025 – 128425 Canada Ltd. (Lynn Welder Consulting) – 450 Lougheed Road (3060-20; 3090-20)

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The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The development permit is required to address landscaping requirements along Mill Creek. The Development Variance Permit is required to average the setback from the creek to 15 m.

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

S558/99/06/22 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,024 for Natural Environment/Hazardous Condition, Lynn Welder Consulting Ltd., Lot 1, Sec. 2, Twp. 23, O.D.Y.D., Plan 30107, located on 450 Lougheed Road, Kelowna, B.C., subject to the following:

- .1 Landscaping to be provided on the land be in general accordance with Schedule "B";
- .2 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;
- .3 Registration of Section 219 restrictive covenant as per Ministry of Environment requirements;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,025; for Lynn Welder Consulting Ltd.; Lot 1, Sec. 2, Twp. 23, O.D.Y.D., Plan 30107, located on 450 Lougheed Road, Kelowna, B.C.;

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

Section 6.14.2 Stream Protection Leave Strips: A variance is requested to permit the averaging of the 15 metre setback as set forth on Schedule "A";

Section 15.2.5 (e) Development Regulations side yard setback: a 2.95 m variance requested from the required 6 m setback along a flanking street to the 3.05 m as proposed.

Carried

5. UNFINISHED BUSINESS5.1 Transportation Manager, dated April 15, 1999 re: Memorial White Cross Program (5400-00)

The Roads & Equipment Superintendent advised that since the last Council meeting when this program was discussed, staff have learned that the City of Edmonton has a Traffic Fatality sign program (developed in 1990) and their statistics indicate the total number of deaths has dropped but it is hard to say whether that is because of the program. Oregon has a sign program that reads 'Please Don't Drink and Drive' with "In Memory of..." (the deceased's name) on the bottom. The signs are posted at the family's expense and the sign remains in place for 6-7 years (until the sign is faded). Halifax has an agreement with Mothers Against Drunk Drivers (MADD) for roadside memorials; MADD works with the municipalities to come up with an agreement on where the roadside memorials will be. Nova Scotia has a memorial marker program in designated places only. Calgary had a program but cancelled it because they did not find it was a benefit; any wreaths that were placed while the program was in place will not be removed. In Virginia, the roadside memorial program failed to get approval.

Members of Council commented on the program in place in Halifax, having just returned from a convention in that province and debated the effectiveness of the white crosses versus signs.

Moved by Councillor Nelson/Seconded by Councillor Cannan

S559/99/06/22 THAT Council hear from the representatives of Mothers Against Drunk Drivers.

Carried

Donna Miller, President of MADD, explained that the cost of the program is a consideration. As a non-profit group MADD can afford to take on the white cross program but the cash outlay for signs is high. There are ways to get the message out to *prevent* deaths; the white cross is intended to support the families when prevention is too late. MADD never does anything with the victim's name without the family's complete consent. MADD will be approaching the Province for a provincial policy to allow roadside memorials on highways as well. There are some memorials on the highways now that the Ministry of Transportation and Highways will not remove, out of respect.

The Current Planning Manager left the Council Chamber at 9:11 p.m.

Muriel Morgan advised she survived a crash where her husband was killed by a drunk driver and spoke briefly in support of the roadside memorial program.

Donna Miller advised that although a Don't Drink and Drive sign could be erected immediately after a fatality involving a drunk driver, the 'in memory of ...' tab could not be added until after the 1 year appeal period from the sentence date of the drunk driver.

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S560/99/06/22 THAT Council defer further consideration of the request from Mothers Against Drunk Drivers (MADD) for endorsement of a roadside memorial program in Kelowna pending a staff report outlining the following:

- Identify costs for City staff to prepare and install "Please Don't Drink and Drive... In Memory of..." Signs
- Draft a policy for controlling the signs
- Recommend roads within the city where the signs could be permitted;

AND THAT Council provide a letter of support for MADD to take when they lobby the Province for a policy to allow roadside memorials on provincial highways.

Carried

6. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 6.1 Bylaw No. 8434 – City of Kelowna Official Community Plan Amendment No. OCP98-021 – Glenmore Highlands Area Structure Plan

The Special Projects Planning Manager advised that Maps 2, 3 and 4 attached to the bylaw were prepared by City staff using City technology. The applicant has since prepared a map that more appropriately reflects their application as amended by Council at initial consideration. She displayed a coloured version of the new map on the overhead projector noting the map was created using the City's OCP legend.

The Acting-City Clerk confirmed that the bylaw would be considered for first reading with the new map attached.

Moved by Councillor Bremner/Seconded by Councillor Cannan

S561/99/06/22 THAT Bylaw No. 8434 be read a first time.

Carried

Councillor Cannan opposed.

- 6.2 Bylaw No. 8435 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-007 to add "Participant Recreation Services, Indoor" and "Congregate Housing" as principal uses in the CD2 – Kettle Valley Comprehensive Residential Development zone

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

S562/99/06/22 THAT Bylaw No. 8435 be read a first time.

Carried

The Current Planning Manager returned to the Council Chamber at 9:30 p.m.

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- 6.3 Bylaw No. 8436 (Z99-1020) – Jarnail Singh Kuhn Kuhn and Gurmeij Kaur Khun Khun (Annie Beserekian) – 423 McLennan Crescent

Council noted that a staff report is pending on the impact of the 's' zoning designation in the Hartman area and agreed that to be consistent with their decision to defer other 's' zone applications in that area, this application should also be deferred until the report comes forward.

The Acting-City Clerk confirmed that the subject application has already been advertised to the June 29, 1999 public hearing and advised that staff will send out a further notice to advise the item will be withdrawn from that agenda.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

S563/99/06/22 THAT first reading of Bylaw No. 8436 (Annie Beserekian for Jarnail Singh Kuhn Kuhn and Gurmeij Kaur Khun Khun – 423 McLennan Crescent) be deferred until Council considers the staff report coming forward on July 12, 1999 regarding the impact of the 's' zone in the Hartman Road area.

Carried

Councillor Bremner opposed.

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

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

Moved by Councillor Day/Seconded by Councillor Shepherd

S564/99/06/22 THAT Bylaw No. 8437 be read a first, second and third time.

Carried

7. TERMINATION

The meeting was declared terminated at 9:34 p.m.

Certified Correct:

Mayor

Acting-City Clerk

BLH/bn