

Regular MeetingJuly 27, 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, July 27, 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. Bruce; and Acting Council Recording Secretary, L.M. Taylor.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:30 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, July 12, 1999

Moved by Councillor Leask/Seconded by Councillor Nelson

R662/99/07/27 THAT the minutes of the Regular Meeting of July 12, 1999 be confirmed as circulated.

Carried

3.2 Public Hearing, July 13, 1999

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R663/99/07/27 THAT the minutes of the Public Hearing of July 13, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, July 13, 1999

Moved by Councillor Bremner/Seconded by Councillor Cannan

R664/99/07/27 THAT the minutes of the Regular Meeting of July 13, 1999 be confirmed as circulated.

Carried

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

Regular MeetingJuly 27, 19995. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.1 Bylaw No. 8443 (Z96-1028) – Barrie & Ingrid Clark and No. 21 Great Projects Ltd. (R.R. Runnalls & Associates) – 902 and 908 Paret Road, and 845 and 850 Steele Road

Council requested that staff provide information on the issue raised at the public hearing regarding the safety of the three way intersection of Barnaby, Steele and Paret Roads.

Moved by Councillor Leask/Seconded by Councillor Nelson

R665/99/07/27 THAT Bylaw No. 8443 be read a second and third time, and be adopted.

Carried

Councillor Cannan opposed.

6. PLANNING

- 6.1 Planning & Development Services Department, dated June 30, 1999 re: Development Permit Application No. DP99-10,031 and Development Variance Permit Application No. DVP99-10,032 – The Governing Council of the Salvation Army in Canada (Renaissance Architecture Planning Inc.) – 1480 Sutherland Avenue (3060-20; 3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector noting the subject property is located adjacent to Mill Creek and is within a Natural Environmental/Hazardous Condition Development Permit area. The Development Permit application relates to a landscape plan that proposes enhancement of the stream corridor protection area and provision of improved landscaping along the Sutherland Avenue and Burtch Road frontages. It was noted the landscape plan submitted by the applicant has been approved by the City's Environment Department as well as the Ministry of Environment. A development variance permit application has been made to address the existing non-conforming setback to Mill Creek, and to vary landscape requirements to address the existing non-conforming conditions of the site. Further a variance is requested to the Sign Bylaw to permit a free standing sign that is higher than the maximum height permitted in a P2 zone.

The Planning & Development Services Department does not have any concerns with the development proposal for the building and site landscaping as submitted and recommends support of the proposed development permit and variances to the Zoning Bylaw No. 8000. It was noted the applicant has not yet finalized the design of the proposed signage and staff does not support the sign height variance.

Alexander Kristiansen, agent for the applicant, advised Council the primary goal for the height of the sign is to create a landmark element that is visible from a long distance away. He also suggested the additional height of the sign could help eliminate the potential of vandalism.

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Upon questioning from Council, the Current Planning Manager advised that within the sight lines of an intersection a structure is either limited to a 1 metre height or must provide a minimum clearance of 2.4 metres.

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

Moved by Councillor Leask/Seconded by Councillor Nelson

R666/99/07/27 THAT Council consideration of the portion of Development Variance Permit No. 99-10,032 Renaissance Architecture Planning Inc.; Lot 1, D.L. 137, O.D.Y.D., Plan 30180, Except Plan KAP46498, located on Sutherland Avenue, Kelowna, B.C. dealing with the following variance to Sign Bylaw No. 8235 be deferred to August 24, 1999 to allow the applicant time to finalize the sign design:

Section 6.1 Specific Zone Regulations – Public and Institutional Zones (P1, P2, P3, P4, W1, and W2) – maximum sign height for a free-standing sign be varied from the 2.5 m required to the 4.88 m proposed.

Carried

Councillors Blanleil, Bremner and Cannan opposed.

Moved by Councillor Leask/Seconded by Councillor Nelson

R667/99/07/27 THAT Municipal Council authorize the issuance of Development Permit No. 99-10,031; for Lot 1, D.L. 137, O.D.Y.D., Plan 30180, Except Plan KAP46498, located on Sutherland Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. Landscaping to be provided on the land be in general accordance with Schedule "B";
3. 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;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. 99-10,032; Renaissance Architecture Planning Inc.; Lot 1, D.L. 137, O.D.Y.D., Plan 30180, Except Plan KAP46498, located on Sutherland Avenue, Kelowna, B.C.;

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

1. Section 6.14.2 Stream Protection Leave Strips be varied from the 15 m leave strip required to the 4.0 m existing,
2. Section 7.6.1(b) Minimum Landscape Buffers Level 2: be varied from a minimum 3.0 m landscape buffer required to the 1.5 m existing,
3. Section 7.6.1(c) Minimum Landscape Buffers Level 3: be varied from a minimum 3.0 m landscape buffer required to the 0.0 m existing east side and the 2.6 m existing west side,
4. Section 16.2.5(e) – Development Regulations: be varied from a minimum 4.5 m required west side yard to the 2.63 m existing.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

7. BYLAWS

BYLAWS PRESENTED FOR FIRST READING)

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

Councillor Day declared a conflict as he owns property within the notification area and left the Council Chamber at 8:30 p.m.

Moved by Councillor Nelson/Seconded by Councillor Leask

R668/99/07/27 THAT Bylaw No. 8445 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 8:31 p.m.

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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R669/99/07/27 THAT Bylaw No. 8446 be read a first time.

Carried

Councillors Cannan and Shepherd opposed.

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- 7.3 Bylaw No. 8349 – Amendment No. 3 to Subdivision, Development & Servicing Bylaw No. 7900 (housekeeping amendment to clarify applicability)

Moved by Councillor Leask/Seconded by Councillor Nelson**R670/99/07/27** THAT Bylaw No. 8349 be adopted.Carried

- 7.4 Bylaw No. 8427 – Amendment No. 4 to Kelowna Memorial Park Cemetery Bylaw No. 7627 (Bennett Memorial Columbarium)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil**R671/99/07/27** THAT Bylaw No. 8427 be adopted.Carried

- 7.5 Bylaw No. 8440 – Amendment No. 8 to Development Application Fees Bylaw No. 8034 (housekeeping amendment to set minimum engineering fee of \$300 and clarify document administration fee)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd**R672/99/07/27** THAT Bylaw No. 8440 be adopted.Carried

- 7.6 Bylaw No. 8442 – Amendment No. 13 to City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88 (impounding fees)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd**R673/99/07/27** THAT Bylaw No. 8442 be adopted.Carried

- 7.7 Bylaw No. 8433 – South Padosy Revitalization Specified Areas No. 1 & 2 Security Issuing Bylaw.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil**R674/99/07/27** THAT Bylaw No. 8433 be adopted.Carried

8. REMINDERS - Nil

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9. TERMINATION

The meeting was declared terminated at 8:35 p.m.

Certified Correct:

Mayor

City Clerk

LMT/am