

Regular MeetingAugust 24, 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 24, 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: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:20 p.m.

2. PRAYER

The meeting was opened with a Prayer offered by Councillor Nelson.

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, August 9, 1999

Moved by Councillor Day/Seconded by Councillor Cannan

R734/99/08/24 THAT the minutes of the Regular Meeting of August 9, 1999 be confirmed as circulated.

Carried

3.2 Public Hearing, August 10, 1999

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R735/99/08/24 THAT the minutes of the Public Hearing of August 10, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, August 10, 1999

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R736/99/08/24 THAT the minutes of the Regular Meeting of August 10, 1999 be confirmed as circulated.

Carried

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

Regular MeetingAugust 24, 19995. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

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

Councillor Bremner advised she would not vote on the bylaws from the public hearing because she arrived late and missed the discussion on both public hearing items. She absented herself from the vote by leaving the Council Chamber at 7:21 p.m.

Councillor Day declared a conflict of interest as he owns property within the notification radius of the subject property and left the Council Chamber at 7:21 p.m.

The City Clerk advised that Ministry of Transportation & Highways approval of the bylaw was received after preparation of the agenda and it would be appropriate for the bylaw to also be considered for adoption.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R737/99/08/24 THAT Bylaw No. 8444 be read a second and third time and be adopted.

Carried

Councillor Day returned to the Council Chamber at 7:22 p.m. and took his place at the Council Table.

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

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R738/99/08/24 THAT Council supports requesting a hammerhead turnaround on the Warren property at 4335 Lakeshore Road.

Carried

Moved by Councillor Nelson/Seconded by Councillor Cannan

R739/99/08/24 THAT Bylaw No. 8453 be read a second and third time.

Carried

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R740/99/08/24 THAT staff draft a policy to deal with access to roads from residential properties.

Carried

Councillor Bremner returned to the Council Chamber at 7:26 p.m. and took her place at the Council Table.

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

Withdrawn.

6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENSE APPLICATION:

Regular Meeting

August 24, 1999

6.1 Current Planning Manager - verbal outline of application re: Proposed Class "D" Brew Pub with Restaurant – 3699 Highway 97 North (0540-20)

The City Clerk advised that notice of this public meeting to receive input on this application was advertised by being placed on the notice board at City Hall on August 12, 1999 and by being placed in the Kelowna Daily Courier issues of August 16 & 17, 1999 and in the Kelowna Capital News issue of August 15, 1999, and by sending out or otherwise delivering 93 letters to the owners and occupiers of surrounding properties on August 12, 1999.

The City Clerk further advised that as a result of the advertising, one letter of opposition was received from Allen & Shelah Pansegrau, 420 Cornish Road.

The Current Planning Manager advised it is relatively new policy that a referendum is not required if a public meeting of Council is held to receive input on pub applications. He indicated the site location on a map displayed on the overhead projector and advised a 65 seat neighbourhood brew pub with a 20 seat outdoor patio area and a 50 seat restaurant are proposed. The applicant also intends to apply for 1 a.m. closing time for Friday and Saturday nights. The Current Planning Manager clarified that at this meeting, Council is asked to consider whether the majority of the residents are in favour or not in favour of the license to be granted by the Provincial Liquor Licensing Branch. No further action is required of Council until the applicant is ready to actually proceed with the application.

Mayor Gray invited the applicant or anyone in the gallery who deemed themselves affected.

Tom Smithwick, representing the applicant, advised that Mr. Gaspari operated the Hollywood-on-Top Restaurant at its former location and now is operating La Cucina Pasteria in Westbank and both have been very successful. He sees a good opportunity at the proposed location because that type of quality facility is lacking in the Rutland area of the city. Mr. Gaspari is confident he can draw the crowds to the proposed location and the liquor licensing branch has already given preliminary approval. Mr. Smithwick submitted that the neighbourhood is obviously not opposed since no-one has come to the meeting to comment on the application.

Responding to questions of Council, the Current Planning Manager advised the bylaw requires 34 on-site parking stalls; the applicant is proposing to provide 52 parking stalls. A brew pub cannot sell the beer they make as off-sales, they can just sell pre-packaged beer, wine coolers and cider.

Council noted the location of the Packinghouse Neighbourhood Pub and the bowling centre/brew pub proposed for Highway 97/McCurdy Road being the two nearest licensed establishments.

Regular MeetingAugust 24, 1999

Mayor Gray commented that the letter of opposition mentioned by the City Clerk also mentions problems that have nothing to do with the application and advised that he would forward the letter to City bylaw enforcement staff to handle.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R741/99/08/24 THAT, based on the input received at the public meeting held on August 24, 1999, Council considers the majority of the residents to be in favour of the application for a Class "D" Brew Pub with Restaurant at 3699 Highway 97 North;

AND THAT Council supports the applicant proceeding with the application.

Carried

Councillor Cannan opposed.

7. PLANNING

- 7.1 Planning & Development Services Department, dated August 3, 1999 re: Development Variance Permit Application No. DVP99-10,007 – School District No. 23 (Mitch Vance/MVH Architects) – 475 Yates Road (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 requesting permission to reduce the zoning bylaw requirements for landscaping around a significant portion of the perimeter of the Glenmore Valley Elementary School site. The school is currently under construction; the building is located near the southern end of the property with the playfields to the north. The only treatment they propose for the north end playfields is a chainlink fence. The minimum landscape requirements of the zoning bylaw is a Level 3 landscape buffer. Staff recognize the School District is under a funding crisis, but are of the opinion that there should be some landscape treatment along the playfield boundaries and that deciduous trees would provide shade and greenery that would contribute greatly to the site.

The Current Planning Manager advised that the application was reviewed by the Advisory Planning Commission and they suggested planting large deciduous trees around the playfield at 10 m intervals. The School District has submitted a letter which is attached to the staff report advising they do not support the recommended tree planting standard. Staff recommend granting the variance to reduce the landscape requirement down to Level 1, which is no landscape buffer, but with the requirement for planting deciduous trees around the playfield at 10 m intervals. The alternate recommendation for Council's consideration would be to grant the variance to reduce the landscape requirement down to Level 1 without the requirement for planting the deciduous trees around the playfield.

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

Regular Meeting

August 24, 1999

Mitch Vance, representing the applicant, advised he has been authorized by the School District to offer a compromise. The compromise offered by the School District was for them to plant boulevard trees along Yates Road, but at 50 ft. intervals instead of 30 ft. intervals. Mr. Vance advised that 30 ft. spacing is consistent with the trees that are already planted along Yates Road. He noted that schools are tending to be smaller and trees can restrict the site. The playfield provides a huge buffer for the neighbours to the north. Landscaping is proposed on the south end of the site and around the school building using native area dryland vegetation. The school district has tried to avoid the traditional boulevard tree planting and sod areas in order to limit water usage.

The Current Planning Manager advised that correspondence was received by the Advisory Planning Commission from the strata council to the north expressing concerns about buffering.

Mr. Vance reiterated that it is a very tight site and to get the fields to work with the grading there is not much opportunity for trees. Putting trees along the north boundary could be a hazard and seriously compromise the effectiveness of the field and there is insufficient space to plant trees along the east boundary. Mr. Vance indicated that a few trees could be considered for planting at the northeast corner of the school building in order to provide shade relief for the children.

Mr. Vance responded to questions of Council, advising that the boulevard where they would plant the trees is a City boulevard but that the School District would be responsible for maintenance of the boulevard trees.

Judy Shoemaker, planning supervisor for the School District, advised that their concern goes beyond costs. Schools are in the same category as commercial development yet the landscaping needs of schools are different. It is important for the school grounds to be visible to the neighbourhood at nights and during after hour activities. A proposal for changing the landscaping requirements for schools has been presented to City staff and hopefully there can be some resolution on a global basis for a bylaw amendment. The school district prefers to install only the chainlink fence along the north boundary of the property and if the concern is balls going over the fence, a higher fence could be installed. Their standard for fencing behind goal posts is 10 ft. high for 30 ft. either side of the goalposts. She indicated that the school district would be willing to also consider a cedar hedge along the north property line.

The Current Planning Manager clarified that City staff support eliminating the perimeter landscaping buffer set out in the zoning bylaw recognizing it would be neither realistic nor safe in this situation. However, staff do want the trees. He also advised that he had not heard the compromise offer before tonight and that it would be necessary to check with the Parks Department to ensure the boulevard trees would not impact utilities located in the boulevard.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R742/99/08/24 THAT further consideration of Development Variance Permit Application No. DVP99-10,007 (School District 23 – 475 Yates Road) be deferred to the Regular Meeting of Monday, September 13, 1999, for staff and the applicant to resolve the landscape requirements for the site.

Carried

Regular MeetingAugust 24, 19998. UNFINISHED BUSINESS

- 8.1 Planning & Development Services Department re: The Portion of Development Variance Permit Application No. DVP99-10,032 Dealing with a Variance to Sign Bylaw 8235 to Increase the Maximum Permitted Height for a Free-Standing Sign - Salvation Army (Renaissance Architecture Planning Inc.) – 1480 Sutherland Avenue (3090-20)

Mayor Gray advised this was deferred from the July 27, 1999 Regular Meeting to the August 24, 1999 Regular Meeting to allow the applicant more time to finalize the sign design.

The City Clerk advised the applicant has since requested a further deferral to September 21, 1999.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R743/99/08/24 THAT further consideration of the portion of Development Variance Permit Application No. DVP99-10,032 (Salvation Army – 1480 Sutherland Avenue) dealing with a variance to Sign Bylaw No. 8235 to increase the maximum permitted height for a free-standing sign be deferred to the Regular Meeting of Tuesday, September 21, 1999.

Carried

9. BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**

- 9.1 Bylaw No. 8457 (OCP98-010) – Southwest Mission Neighbourhood Two Area Structure Plan

Council asked that Engineering staff be at the Public Hearing to discuss traffic issues.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R744/99/08/24 THAT Bylaw No. 8457 be read a first time.

Carried

- 9.2 Bylaw No. 8458 (Z98-1021) – 379736 B.C. Ltd., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management, and Gillen Investments (Grant Gaucher) – 5150 & 5120 Frost Road

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R745/99/08/24 THAT Bylaw No. 8458 be read a first time.

Carried

Regular MeetingAugust 24, 1999

- 9.3 Bylaw No. 8459 (Z98-1029) – Pendulum Enterprises Ltd. (New Town Planning Services) – 5065 Frost Road

Moved by Councillor Day/Seconded by Councillor Shepherd**R746/99/08/24** THAT Bylaw No. 8459 be read a first time.Carried

- 9.4 Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Council asked that Engineering staff be at the Public Hearing to advise what would trigger improvements on Barnaby Road and what would trigger a traffic light at the Barnaby/Lakeshore Road intersection.

Moved by Councillor Blanleil/Seconded by Councillor Day**R747/99/08/24** THAT Bylaw No. 8460 be read a first time.Carried**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 9.5 Bylaw No. 8298 – Road Exchange Bylaw – a Portion of Petch Road

Moved by Councillor Nelson/Seconded by Councillor Cannan**R748/99/08/24** THAT Bylaw No. 8298 be read a first, second and third time.Carried

- 9.6 Bylaw No. 8393 – Road Exchange Bylaw – a Portion of Lane at the North end of Saucier Avenue

Moved by Councillor Nelson/Seconded by Councillor Cannan**R749/99/08/24** THAT Bylaw No. 8393 be read a first, second and third time.Carried10. REMINDERS

- Thursday, August 26 - Electrical car demonstration at The Grand Hotel at 3 p.m.

Regular Meeting

August 24, 1999

11. TERMINATION

The meeting was declared terminated at 8:34 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am