

Regular MeetingSeptember 21, 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, September 21, 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; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Development Engineering Manager, S. Muenz; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:22 p.m.

2. PRAYER

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

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

4. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 4.1 Bylaw No. 8465 (Z99-1044) – John (Ian) & Margaret Donn – 595 White Road

Moved by Councillor Nelson/Seconded by Councillor Leask

R799/99/09/21 THAT Bylaw No. 8465 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 4.5 Bylaw No. 8464 (Z99-1040) – Austin Beese (Emil Anderson Construction Ltd./Mike Jacobs) – 3579 Water Road

Moved by Councillor Leask/Seconded by Councillor Nelson

R800/99/09/21 THAT Bylaw No. 8464 be read a second and third time, and be adopted.

Carried

The Subdivision Approving Officer left the Council Chamber at 7:25 p.m.

Regular MeetingSeptember 21, 19995. PLANNING5.1 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8392 (Z99-1001) – Petro-Canada Inc. (Eric Fefer) – 735 Harvey Avenue, and City of Kelowna Official Community Plan Amendment No. OCP99-002 requires majority of full Council (5)

Moved by Councillor Nelson/Seconded by Councillor Leask**R801/99/09/21** THAT Bylaw No. 8392 be adopted.Carried

- (b) Planning & Development Services Department, dated August 30, 1999, re: Development Permit Application No. DP99-10,003 and Development Variance Permit Application No. DVP99-10,044 - Petro Canada Inc. (Eric Fefer) – 715 & 735 Harvey Avenue (3060-20/3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report. The applicant is consolidating the existing site and the adjacent Lot 1 for redevelopment of the site with the new corporate style of Petro-Can station with 4 new pump islands, a canopy, a new convenience store, and significant landscaping around the site. Access to the site would be relocated further to the east on Harvey Avenue and a reciprocal agreement is in place for the access off Richter Street. The development variance permit application deals with the proposed signage on the property. Staff support granting a variance to allow the maple leaf logo signage to project slightly above the top of the canopy line; however, staff do not support the variance to permit the four additional signs on the canopy support columns above the gas pumps because the canopy already acts as a large sign. The application has been reviewed by the Advisory Planning Commission and supported with suggestions for changes some of which have been addressed by the applicant.

The City Clerk advised that no correspondence has been received regarding this application.

The Current Planning Manager responded to questions of Council clarifying aspects of the application.

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

Eric Fefer, representing Petro Canada, spoke in support of the application advising that they have reduced the size of the free standing signs and increased the landscaping in response to the Advisory Planning Commission recommendations. He further advised that the standard design for above the support columns is the red and white maple leaf with the Petro Can lettering below. Petro-Can is willing to compromise and eliminate the lettering so that what is left is a red and white maple leaf that does not look like signage. Petro-Can is of the view that it is more attractive to clad the columns than leave them bare and that allowing that variance would not detract from the development.

Regular MeetingSeptember 21, 1999Moved by Councillor Nelson/Seconded by Councillor Bremner

R802/99/09/21 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,003; for Lot A, D.L. 138, O.D.Y.D., Plan 33387 and, Lot 1, D.L. 139, O.D.Y.D., Plan 3784, located on Harvey 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. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Signage to be constructed in general accordance with Schedule "D";
5. 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. DVP99-10,044; Petro-Canada Inc.; Lot A, D.L. 138, O.D.Y.D., Plan 33387 and, Lot 1, D.L. 139, O.D.Y.D., Plan 3784, located on Harvey Avenue, Kelowna, B.C.;

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

Section 5.3.1(c) Specific Regulations – Canopy Signs be varied to permit a canopy sign to project 1,040 mm above the upper edge of a canopy where the bylaw permits a maximum projection of 300 mm;

Section 5.4.1 Specific Regulations – Under Canopy Signs be varied to permit one sign (2.6 m² in area and maximum vertical dimension of 1.6 m) with business logo per pump island for gas bars;

Section 6.1 Specific Zone Regulations – Major Commercial (C3, C4, C6 and C8) – maximum number of Awning, Fascia, Canopy. Under canopy/awning and projecting signs permitted be varied to permit one sign with business logo per pump island for gas bars;

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.

CarriedMoved by Councillor Nelson/Seconded by Councillor Shepherd

R803/99/09/21 THAT the balance of the Regular Meeting be adjourned to after termination of tonight's Public Hearing. (7:50 p.m.)

Carried

Regular MeetingSeptember 21, 1999RECONVENING OF MEETING

The meeting reconvened at 12:42 a.m. Councillor Day was absent.

EXTENSION OF MEETING

Moved by Councillor Nelson/Seconded by Councillor Bremner

R804/99/09/21 THAT the the Rules of Procedure be suspended and the meeting be continued beyond 11:00 p.m.

Carried

4. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 4.2 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)**

Council debated the bylaw with the Current Planning Manager responding to questions of Council clarifying various aspects of the application.

Moved by Councillor Blanleil/Seconded by Councillor Bremner

R805/99/09/21 THAT Bylaw No. 8448 be read a second and third time.

Carried

Councillors Cannan, Hobson and Shepherd opposed.

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

Moved by Councillor Blanleil/Seconded by Councillor Bremner

R806/99/09/21 THAT Bylaw No. 8449 be read a second and third time.

Carried

Councillors Cannan and Shepherd opposed.

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

Moved by Councillor Blanleil/Seconded by Councillor Bremner

R807/99/09/21 THAT Bylaw No. 8450 be read a second and third time.

Carried

Councillors Cannan and Shepherd opposed.

Regular MeetingSeptember 21, 1999**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 4.5 Bylaw No. 8464 (Z99-1040) – Austin Beese (Emil Anderson Construction Ltd./ Mike Jacobs) – 3579 Water Road

Dealt with after 4.1 before the meeting reconvened.

5. PLANNING5.1 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8392 (Z99-1001) – Petro-Canada Inc. (Eric Fefer) – 735 Harvey Avenue, and City of Kelowna Official Community Plan Amendment No. OCP99-002 **requires majority of full Council (5)**

- (b) Planning & Development Services Department, dated August 30, 1999, re: Development Permit Application No. DP99-10,003 and Development Variance Permit Application No. DVP99-10,044 - Petro Canada Inc. (Eric Fefer) – 715 & 735 Harvey Avenue (3060-20/3090-20)

Dealt with after agenda item No. 4.5 before the meeting reconvened.

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

- 6.1 Bylaw No. 8391 (Z99-1006) – Eric & Lidia Baumgart – 1024 Laurier Avenue and Official Community Plan Amendment No. OCP99-005 **requires majority of full Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R808/99/09/21 THAT Bylaw No. 8391 be read a first time.

Carried

- 6.2 Bylaw No. 8466 (Z99-1048) – John & Jacqueline Garcha (Ian Watson) – 344 Rio Drive South

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R809/99/09/21 THAT Bylaw No. 8466 be read a first time.

Carried

- 6.3 Bylaw No. 8467 (Z99-1007) – Aberdeen Holdings Ltd. (Protech Consultants (1989) Ltd.)/Grant Maddock) – 2350 Burtch Road and Official Community Plan Amendment No. OCP99-006 **requires majority of full Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R810/99/09/21 THAT Bylaw No. 8467 be read a first time.

Carried

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Councillor Shepherd opposed.

- 6.4 Bylaw No. 8468 (Z99-1047) – S & J McCormack/R & L Highfield – 665A and 625 Ford Road and Official Community Plan Amendment No. OCP99-017 **requires majority of full Council (5)**

Moved by Councillor Leask/Seconded by Councillor Cannan**R811/99/09/21** THAT Bylaw No. 8468 be read a first time.Carried**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 6.5 Bylaw No. 8451 – Road Exchange Bylaw – Portion of Lane Adjacent to 665A Ford Road for a Portion of 620 Rutland Road North

Moved by Councillor Nelson/Seconded by Councillor Cannan**R812/99/09/21** THAT Bylaw No. 8451 be read a first, second and third time.Carried7. REMINDERS - Nil8. TERMINATION

The meeting was declared terminated at 1:36 a.m.

Certified Correct:_____
Mayor

BLH/am

City Clerk