

Regular MeetingOctober 19, 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, October 19, 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; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Recreation Manager, R. Oddleifson\*; Cultural Services Manager, I. Forsyth\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:43 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, October 4, 1999

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R858/99/10/19** THAT the minutes of the Regular Meeting of October 4, 1999 be confirmed as circulated.

Carried

3.2 Public Hearing, October 5, 1999

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R859/99/10/19** THAT the minutes of the Public Hearing of October 5, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, October 5, 1999

Moved by Councillor Bremner/Seconded by Councillor Hobson

**R860/99/10/19** THAT the minutes of the Regular Meeting of October 5, 1999 be confirmed as circulated.

Carried

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

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- 5.1 Bylaw No. 8470 (Z99-1039) – Berndt & Bettina Breitzkreuz (Peter Klimuk/  
Milagro Advisory Service) – 3753 Lakeshore Road

Council expressed concern about the lack of play space for children in the project and commented on the need to protect the long term parking requirements for Rotary Park. Staff were asked to provide more information on the excess Lakeshore road right-of-way and present a parking strategy for that section of Lakeshore Road when the Development Permit application comes forward.

The City Clerk noted that the final alignment of Lakeshore Road has not yet been determined and recommended against Council making any commitment that any of the excess road right-of-way could continue to be used by this development in future.

Moved by Councillor Bremner/Seconded by Councillor Nelson

**R861/99/10/19** THAT Bylaw No. 8470 be read a second and third time.

Carried

- 5.2 Bylaw No. 8474 (Z99-1045) – James & Terricia Anderson – 2495  
Maquinna Road

Moved by Councillor Day/Seconded by Councillor Shepherd

**R862/99/10/19** THAT Bylaw No. 8474 be read a second and third time.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated October 14, 1999  
re: Development Permit Application No. DP99-10,071 – Hermann Ecker/  
Austrocan Investments Inc. – 251 Harvey Avenue (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised he would present the application for a Development Variance Permit that is next on the agenda concurrently because it is for the same property. The Development Permit application is for construction of an addition to an existing commercial building that is located adjacent to Mill Creek, in order to accommodate a gas bar and convenience store. The Development Variance Permit application would allow a reduced setback from the creek for the building addition. Staff recommend favourable consideration of both permits.

The Current Planning Manager advised that the linear corridor along the creek has fallen into various stages of repair and instead of installing a fence to block access to the pathway, the applicant has agreed to repair the existing brick pathway and install pole lighting along the path to open the area up and hopefully encourage more use by the general public. This area of the creek corridor has been added to the City's maintenance schedule for maintenance by the City Parks Department.

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

Ralf Rohrlack, agent for the applicant, advised that the applicant is concerned about the cost of running power underground for the light standards recommended by the City Parks Department. He confirmed that the applicant will work with City Parks staff to improve the landscaping in the creekside area but asked that they be permitted to install light standards that could be connected to the power at the building.

Staff were asked to take into consideration the impact of the proposed lighting along the pathway on the properties across the creek, and to monitor usage of the creekside area once the landscape improvements are done to see if the objective to reduce the inappropriate use of the area is achieved.

Council agreed to a friendly amendment to the staff recommendation for staff to work with the applicant to reach a mutual agreement on the best lighting option.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R863/99/10/19** THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,071; for Lot 1, D.L. 139, O.D.Y.D., Plan 34954, 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. 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;
5. The registration of amended Flood Control Covenant at the land titles office in Kamloops;

AND THAT staff work with the applicant to reach a mutual agreement for the lighting standards along the brick pathway.

Carried

The Recreation Manager and the Cultural Services Manager entered the Council Chamber at 8:20 p.m.

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- 6.2 Planning & Development Services Department, dated September 28, 1999 re: Development Variance Permit Application No. DVP99-10,072 – Hermann Ecker/Austrocan Investments Inc. – 251 Harvey Avenue (3090-20)

See discussion under 6.1 above.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R864/99/10/19** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,072; Austrocan Investments Inc./Hermann Ecker; Lot 1, D.L. 139, O.D.Y.D., Plan 34954, located on Harvey Avenue, Kelowna, B.C.;

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

**Section 6.14.2 – Stream Protection Leave Strips** be varied from the 15 m leave strip required to the 5.5 m existing.

Carried

- 6.3 Planning & Development Services Department, dated September 23, 1999 re: Development Variance Permit Application No. DVP99-10,055 – City of Kelowna (Reid Oddleifson) – 1800 Parkinson Way (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The Parkinson Recreation Centre is proposing to construct a free standing sign at the Harvey Avenue entrance to the site. The sign is approximately 1 metre higher than what is allowed and the area is greater than the allowable 4 m<sup>2</sup> and the sign has a changeable copy sign which is also contrary to the bylaw. Because institutional zones cover such a broad range of uses it is difficult to come up with a contextual sign. Staff believe that it is better for institutional signs to be evaluated on an individual basis based on the use proposed. The proposed sign would meet all requirements of the Sign Bylaw if the facility was zoned commercial.

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

The Recreation Manager advised that the lettering and logo on the proposed sign would be visible from both sides and the brick would match that of the building. There would be no portable signs on the property once the new sign is in place.

The Current Planning Manager advised that the sign would be constructed in such a way that it can be easily moved at such time as the Ministry of Transportation & Highways wants to proceed with further widening of the Harvey Avenue frontage.

There were no further comments.

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Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R865/99/10/19** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,055, Parkinson Recreation Centre, Lot 2, Plan 32159, Sec. 20, Twp. 26, located on 1800 Parkinson Way, Kelowna, B.C.;

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

**Section 6.1: Free-standing Signs, within the P1 – Major Institutional Zone, Height:** A 1.0 m variance requested from the maximum height of 2.5 m to 3.5 m as proposed;

**Section 6.1: Free-standing Signs, within the P1 – Major Institutional Zone, Area of Sign:** A variance of 8.26 m<sup>2</sup> from the required maximum area of 4 m<sup>2</sup> to the proposed 12.26 m<sup>2</sup>;

**Section 6.1: Free-standing Signs, within the P1 – Major Institutional Zone:** A variance to permit an animated sign.

Carried

6.4 Planning & Development Services Department, dated September 21, 1999 re: Development Variance Permit Application No. DVP99-10,056 – City of Kelowna (Ian Forsyth) – 1375 Water Street (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The proposed sign would provide information to the public on events at the Community Theatre. Staff recommend support.

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

The Cultural Services Manager advised that the sign could be retrofitted to fit in more with the plaza as the cultural district develops, and that there would also be opportunity to advertise for other facilities in the cultural district.

There were no further comments.

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**R866/99/10/19** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,056; Kelowna Community Theatre, Lot C, D.L. 139, O.D.Y.D., Plan KAP56114, located on 350 Doyle Avenue, Kelowna, B.C.;

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

**Section 5.6.1(d): Free-standing Signs, Location:** A 0.9 m variance is requested from the minimum setback required to a property line of 1.5 m to 0.6 m as proposed;

**Section 6.1: Free-standing Signs within the P1 Major Institutional Zone, Height:** A 1.0 m variance requested from the maximum height of 2.5 m to 3.5 m as proposed;

**Section 6.1: Free-standing Signs within the P1 Major Institutional Zone:** A variance to permit an animated sign.

Carried

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 8:49 p.m.

Certified Correct:

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 Mayor

BLH/bn

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 City Clerk