

Regular MeetingAugust 15, 2000

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 15, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark*, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Acting-Deputy City Clerk, L.M. Taylor; Director of Planning & Development Services, R.L. Mattiussi; 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 7:11 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, July 24, 2000

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R679/00/08/15 THAT the minutes of the Regular Meeting of July 24, 2000 be confirmed as circulated.

Carried

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

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

5.1 Bylaw No. 8575 (Z99-1016) – Birgit Goedecke – 619 Buck Road

Moved by Councillor Given/Seconded by Councillor Nelson

R680/00/08/15 THAT Bylaw No. 8575 be read a second and third time.

Carried

Councillor Clark opposed.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.2 Bylaw No. 8577 (Z00-1032) – Kelowna Prosthetics & Orthotics Ltd. and R240 Enterprises Ltd. – 2000 Enterprise Way

Moved by Councillor Nelson/Seconded by Councillor Given

R681/00/08/15 THAT Bylaw No. 8577 be read a second and third time, and be adopted.

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- 6.1 Planning & Development Services Department dated June 30, 2000 re: Development Variance Permit Application No. DVP00-10,036 – R240 Enterprises and Kelowna Prosthetics and Orthotics – 2000 Enterprise Way (3090-20)

Staff:

- The location and form and character of the building were originally approved by Council in 1994 at which time the setback from Mill Creek was determined using an averaging method and permitted a retaining wall to be constructed approximately 7 m from Mill Creek.
- The Mill Creek setback regulations have since changed to 15 m. Since the building was constructed in accord with requirements of the day, no changes are required.
- This requested variance would acknowledge the setback requirements that already exist.

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

Moved by Councillor Given/Seconded by Councillor Nelson

R682/00/08/15 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,036; R240 Enterprises/Bert Howden; Strata Lots 1-7, D.L. 140, O.D.Y.D., Strata Plan KAS2212, located on Enterprise Way, 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 15 m leave strip required to 7.0 m existing leave strip adjacent to retaining wall.

Carried

- 6.2 Planning & Development Services Department dated July 20, 2000 re: Development Variance Permit Application No. DVP00-10,055 – Lambert & Paul Construction Ltd – 1912, 1916 & 1920 Spall Road (3090-20)

Staff:

- The site is currently developed with C-10 commercial buildings. Princess Auto is the most recent tenant to the site.
- The applicant is requesting the addition of storage and tenant space at the rear of building "A".
- No additional landscaping requirements are triggered by this application.
- Planning Department staff anticipate recommending an amendment to the C-10 zone to permit up to 70% site coverage with the next Zoning Bylaw review.

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

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R683/00/08/15 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,055; Lambert and Paul Construction; Lot 1, District Lot 129, O.D.Y.D., Plan 24677, located on 1912, 1916, and 1920 Spall Road, Kelowna, B.C.;

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

Section 14.10.5(b) Development Regulations – the maximum permitted site coverage be increased from 40% to 47%.

Carried

6.3 Planning & Development Services Department dated July 17, 2000 re: Development Permit Application No. DP99-10,063 and Development Variance Permit Application No. DVP00-10,050 – Imperial Oil Limited – 1901 & 1919 Harvey Avenue (3060-20; 3090-20)

Staff:

- The applicant is proposing to demolish the existing buildings on the two lots and redevelop the site with a new gas bar, convenience store and car wash.
- The existing gas station site would be developed with the proposed drive-thru car wash and accessory parking; the former car dealership lot would be developed with the new gas bar and convenience store and a Tim Horton's eating establishment.
- A reciprocal access agreement will be required to provide access to the car wash property from the adjacent gas bar site.
- The Sign Bylaw permits 1 free-standing sign per building frontage and a maximum of 2 signs per business in the form of awning, fascia, canopy, or under canopy/awning signs for each of the properties. The application includes significant signage and as proposed would require a variance to allow the 2 free-standing signs to be located within 18 m of one another, to permit 2 additional building fascia signs for the Tim Horton's drive-thru window, and to allow two permanent free-standing "promotional signs" fronting each business frontage.
- Staff do not recommend support of the requested variances to the Sign Bylaw but do support issuance of the Development Permit.

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

Eric Jabs, representing Jabs Development, owner of Northgate Plaza to the east of this development:

- No objections to the development but concerned about the additional signage along the highway frontage.
- Northgate Plaza was developed on 3 lots and if the lots had not been consolidated 3 signs would have been permitted. However in the interests of reducing signage along the highway, the lots were voluntarily consolidated and the plaza was developed with a single pylon sign for the 12 tenants.
- Recommend that Council not grant the requested variances and that the applicant be required to abide by the Sign bylaw as have other businesses along the highway.

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Jim Lodge, Real Estate Manager for Imperial Oil:

- Driving up and down Harvey Avenue, there are no less than a dozen existing signs of a similar nature to the promotional signs proposed by this development, but most are mounted onto poles or light standards and most are for food establishments. There is also a proliferation of portable signs along Harvey Avenue.
- The proposed promotional signs are professional signs that are not loud and do not stick out and would be used to announce seasonal promotions such as 'Drive Hawaii', 'Keep the Jeep' and 'Free Gas with Points' and for advertising neighbourhood events such as car washes.
- The additional fascia signage is required on the convenience store building in order to help direct customers to Tim Hortons as a result of losing one of the access points from Harvey Avenue.

Council:

- Questioned the effectiveness of promotional signs on a highway.
- Granting the requested variance would be precedent setting and contrary to the City's objective to reduce signage along the highway frontage.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R684/00/08/15 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,063; for Lot 1, D.L. 129, O.D.Y.D., Plan 43071, and Lot 1, D.L. 129, O.D.Y.D., Plan 18138 Except Plan 22167, 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 signage to be constructed on the land be in general accordance with Schedule "D" (without variances);
6. The applicant register reciprocal access easement on both properties to provide for access between the two properties, and restrictive covenant to restrict direct access to Harvey Avenue from Lot 1, Plan 43071, all to the satisfaction of the City of Kelowna;

AND 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;

AND FURTHER THAT Development Variance Permit No. DVP00-10,050; Imperial Oil Ltd.; as outlined in the report dated July 17, 2000 from the Planning & Development Services Department, on lands described as Lot 1, D.L. 129, O.D.Y.D., Plan 43071, and Lot 1, D.L. 129, O.D.Y.D., Plan 18138 except Plan 22167, located on Harvey Avenue, Kelowna, B.C.; ***not*** be approved by the Municipal Council.

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Councillor Given opposed.

- 6.4 Planning & Development Services Department dated June 15, 2000 re: Development Variance Permit No. DVP00-10,037 – Mission Creek Properties Inc. and Crompton Enterprises Ltd. (KPMG Chartered Accountants) – 1674 Bertram Street (3090-20)

Staff:

- A variance is requested for the location of the fascia signage because given the building design, the only area for fascia signage is above the third floor windows, below the cornice line of the building.
- Council has already approved signage in that location on the fascia of the building.

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

Council:

- Considered requiring the KPMG sign to be individual letters that are back-lit instead of a box sign that is back-lit.
- Considered deferring further consideration of this application and dealing with it at the same time as a pending application requesting a variance to allow different signage for the subject building.
- Expressed concern that when signs go up one at a time, it is difficult to ensure sign consistency.

Frank Estergaard, partner with KPMG:

- The KPMG sign on the front of the building has been in place since 1993 and it is a nice sign that shows well. The intent now is to place a smaller version of that sign on the back of the building.
- Given the building design, it is quite unlikely that there would ever be more than the 3 tenants.
- The proposed signage is not inconsistent with the sign that is already in place.

Council:

- Staff to discuss type of signage with the tenants to come up with a uniform sign theme for the building.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R685/00/08/15 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,037; KPMG Chartered Accounts, 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 Zoning Bylaw No. 8000 be granted:

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

- 6.5 (a) **(BYLAWS PRESENTED FOR ADOPTION)**

Bylaw No. 8548 (Z00-1007) – Star-Line Enterprises Ltd. (Tony Vantgeloof) – 1891, 1893 and 1899 Ambrosi Road

Moved by Councillor Clark/Seconded by Councillor Given

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Councillor Shepherd opposed.

- (b) Planning & Development Services Department, dated July 14, 2000, 2000 re: Development Permit Application No. DP00-10,010 and Development Variance Permit Application No. DVP00-10,011 - Star-Line Enterprises Ltd. (Tony Vantgeloof) - 1891, 1893 and 1899 Ambrosi Road

Staff:

- The Development Permit is for a 6-storey, 48-unit apartment building constructed over a concrete parkade structure that would be partly below grade.
- The corner balconies decrease in size as they go up the building in order to step back and reduce the impact of building mass.
- Variances are required to allow for the proposed building height and for a reduced number of bicycle parking spaces.
- Over the past number of years, a per-unit levy has been collected from new development in this area for the future extension of Agassiz Road to Vasile Road. To date, including this application about \$220,000 will have been collected and the City's Land Department has started acquiring the necessary property with that money. The City is budgeting a shortfall of approximately \$200,000 for the Agassiz Road extension project.
- City Engineering staff advise that there is no cause for concern for local traffic but that left turns from Ambrosi onto Springfield will likely be eliminated in the near future.

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 Blanleil/Seconded by Councillor Hobson

R687/00/08/15 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,010; for Lots 4, 5, and 6, D.L. 129, O.D.Y.D., Plan 10140, located on Ambrosi Road, 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 applicant be required to register the lot consolidation and road dedication plans at the Land Titles Office;

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AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,011; for Lots 4, 5, and 6, D.L. 129, O.D.Y.D., Plan 10140, located on Ambrosi Road, Kelowna, B.C., subject to the following:

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

Section 13.11.5(b) Development Regulations - The maximum height permitted be increased from the lesser of 16.5 metres or 4 storeys, to the lesser 22 metres or 6½ storeys;

Section 13.11.6(b) Other Regulations - The maximum continuous building frontage be increased from 40 metres to 60 metres; and the height in relation to adjacent development be increased from a maximum of a half storey to a maximum of 5½ storeys;

Table 8.3 Bicycle Parking Schedule: Apartment Housing - The minimum number of Class I Bicycle Parking Spaces be reduced from 0.5 per unit to .25 per unit;

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

Councillor Shepherd opposed.

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8581 (Z00-1003)- Mill Creek Developments Ltd. & Yale County Capital Ventures (D.E. Pilling & Associates/Dale Pilling) – 4275 & 4355 Highway 97 North

Moved by Councillor Clark/Seconded by Councillor Shepherd

R688/00/08/15 THAT Bylaw No. 8581 be read a first time.

Carried

- 7.2 Bylaw No. 8582 (Z00-1010) – Okana Masonry Ltd. (Emil Anderson Construction Co. Ltd./Mike Jacobs) – 5111 Killdeer Road

Councillor Clark advised that subsequent to Council's initial consideration of this application, there have been discussions between this applicant and a company in which he is a partner. Councillor Clark felt this put him in a position of perceived conflict of interest and left the Council Chamber at 8:46 p.m.

Council:

- Noted the subject property is at the end of a long upper ridge and asked for assurance that the ridge in its entirety will be preserved as a natural feature.

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Staff:

- The conceptual plan for the area indicates green space and a wildlife corridor along the ridge line and far more work occurs in the field before the final layout is approved. Staff will flag this to ensure that the ridge is preserved.

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R689/00/08/15** THAT Bylaw No. 8582 be read a first time.Carried

Councillor Clark returned to the Council at 8:55 p.m. and took his place at the Council Table.

- 7.3 Bylaw No. 8583 (Z00-1039) – 482627 BC Ltd, Envirotech Real Estate Inc. Gordon & Emelie Wallace & Dorothy & Elizabeth Howe (Envirotech Real Estate) – 1659, 1667, 1681 & 1683 Ethel Street, 931 & 941 Leon Avenue and 932 Harvey Avenue

Moved by Councillor Day/Seconded by Councillor Hobson**R690/00/08/15** THAT Bylaw No. 8583 be read a first time.Carried**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.4 Bylaw No. 8578 - Amendment No. 2 to Development Application Procedures Bylaw No. 8140

The proposed amendments will broaden the scope of development permits that may be approved by the Director of Planning & Development Services, and permit Council to waive public hearings for any Commercial, Industrial, Institutional or Mixed Use rezoning application that is consistent with the Official Community Plan and is not adjacent to residential development.

Council:

- Asked for a list of the applications received with those applications highlighted that would be approved by the Director of Planning & Development Services highlighted so that Council is kept informed and can track the applications for a while to see what is being handled by staff that normally would have been dealt with by Council.

Moved by Councillor Hobson/Seconded by Councillor Day**R691/00/08/15** THAT Bylaw No. 8578 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.5 Bylaw No. 8534 - Amendment No. 56 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 **requires 2/3 majority vote of full Council (6)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan**R692/00/08/15** THAT Bylaw No. 8534 be adopted.

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Councillor Shepherd noted that having heard the presentations to Council by Okanagan University College and University 2000, the public is waiting to hear Council's position on the matter of the need for a full status university in the Okanagan. Councillor Hobson advised that terms of reference have now been prepared for a study to show the economic impact of a full status university. Once those terms of reference have been approved by all parties, a report will be brought forward to Council. Mayor Gray added that Council could also consider whether to contribute a 1/3 share of the costs of the study at that time.

9. TERMINATION

The meeting was declared terminated at 9:29 p.m.

Certified Correct:

Mayor

BLH/bn

Acting-Deputy City Clerk