

Regular MeetingMarch 27, 2001

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, March 27, 2001.

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; City Clerk, D.L. Shipclark; 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 7:43 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, March 12, 2001
Regular Meeting, March 19, 2001

Moved by Councillor Nelson/Seconded by Councillor Given

R239/01/03/27 THAT the Minutes of the Regular Meetings of March 12, 2001 and March 19, 2001 be confirmed as circulated.

Carried

4. Councillor Day 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. 8649 (Z00-1062) – Joseph Marshall – 9590 McCarthy Road

Councillor Day declared a conflict of interest because the property is owned by a member of his family and left the Council Chamber at 7:44 p.m.

Moved by Councillor Nelson/Seconded by Councillor Given

R240/01/03/27 THAT Bylaw No. 8649 be read a second and third time.

Carried

Councillor Day returned to the Council Chamber at 7:45 p.m. and took his place at the Council Table.

Regular MeetingMarch 27, 2001**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.2 Bylaw No. 8648 (Z01-1006) – Kneller Holdings Ltd. (Hans Kruiswyk) – 1156 Kneller Court

Council:

- Concerned about the potential impact on adjacent properties if a secondary suite can be achieved in an accessory building on a small lot where there is no rear lane access.
- Concerned about the potential for on-street parking problems in small lot subdivisions with narrow lot frontages.
- Staff to consider whether the parking requirements for small lots with 's' zoning designations should be changed to require an actual extra parking stall for the secondary suite as opposed to accepting stacked parking.
- Staff to consider whether there are zones where secondary suites should not be permitted (i.e. small lot zones).

Staff:

- There have been 19 complaints of illegal suites in the area, going back to 1996.

Moved by Councillor Given/Seconded by Councillor Nelson

R241/01/03/27 THAT Bylaw No. 8648 be read a second and third time, and be adopted.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Clark, Day, Given, Hobson and Shepherd opposed.

- 5.3 Bylaw No. 8650 (TA01-002) – Text Amendment to City of Kelowna Zoning Bylaw No. 8000 (Weinmaster Homes)

Moved by Councillor Shepherd/Seconded by Councillor Given

R242/01/03/27 THAT Bylaw No. 8650 be read a second and third time, and be adopted.

Carried6. PLANNING

- 6.1 Planning & Development Services Department, dated March 2, 2001 re: Development Variance Permit Application No. DVP01-10,002 – Eric Fefer/Petro-Canada – 2780 Acland Road (3090-20)

Staff:

- The applicant is requesting a variance of the Kelowna Sign Bylaw fascia signage requirements from 2 signs with a maximum area of 28.8 m² to 9 signs with a total area of 35.26 m².
- The staff recommendation is for Council to not approve the requested variances.
- The site is currently under development but the applicant did not pursue the variance concurrent with the rezoning for timing reasons. The applicant did, however, make it clear at the time of rezoning that he would be coming back with a request for the variance.
- Staff are of the opinion that the 2 signs permitted by the Sign Bylaw along with the 2 free standing signs are adequate.

Regular MeetingMarch 27, 2001

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

Eric Fefer, applicant:

- The Petro Pass development represents an anomaly with respect to the Sign Bylaw. We have a convenience store/office building together with a free standing canopy. The Sign Bylaw does not contemplate that type of development.
- The way the Sign Bylaw works out the maximum area for fascia signage is by looking at the building, which in this case is the store. The canopy is free standing and is twice as big as the building but does not have 4 walls and so is not factored in. If the canopy was factored in as a building the Sign Bylaw would allow maximum 82 m² and a variance would not be required.
- Circulated a photo of the site as seen from the highway side of the property noting the building is setback well over 130 m from the highway.
- Agreed, when the application was considered by the Advisory Planning Commission, to reduce the height of the free standing sign on Acland Road from 8 m to 6 m.
- The only lighting behind the signage would be behind the actual lettering and the logo.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R243/01/03/27 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,002; Petro-Canada (Eric Fefer); Lot 5, D.L. 123, O.D.Y.D., Plan KAP68009; located on Acland Road, Kelowna, B.C.;

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

Section 6.1 Specific Zone Regulations – Industrial and Commercial Zones (C9, C10, I2, I3, I4 and I5) – Maximum number of fascia/canopy signs be varied to permit 9 fascia signs for the Petro Pass Business and the maximum area for the signs be varied to allow for 35.26 m² maximum area.

Carried

Councillors Cannan and Hobson opposed.

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8654 (TA00-003) – Miscellaneous Amendments to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R244/01/03/27 THAT Bylaw No. 8654 be read a first time.

Carried

- 7.2 Bylaw No. 8655 (Z01-1013) – Donna Watson – 400 Hollywood Road South

Moved by Councillor Hobson/Seconded by Councillor Cannan

R245/01/03/27 THAT Bylaw No. 8655 be read a first time.

Carried

Regular MeetingMarch 27, 2001**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.3 Bylaw No. 8646 – Amendment No. 8 to Kelowna Development Cost Charge Bylaw No. 7728

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R246/01/03/27** THAT Bylaw No. 8646 be adopted.Carried8. REMINDERS

- March 31st – Annual Responsible Pet Owner's Scoop Fest – Mission Creek Park
- April 18th - Civic Awards Banquet

(a) RU2 – Medium Lot Housing with Secondary Suite Zone

Staff to review the RU2s and other small lot zones and report back with recommendations to address the following concerns:

- The potential impact on adjacent properties if a secondary suite can be achieved in an accessory building on a small lot where there is no rear lane access.
- The potential for on-street parking problems in small lot subdivisions with narrow lot frontages, with or without secondary suites.
- Should the parking requirements for small lots with 's' zoning designations be changed to require an actual extra parking stall for the secondary suite as opposed to accepting stacked parking?
- Are there residential zones where secondary suites should not be permitted?

(b) Sister City Relationship – Veendam, Holland

Councillor Clark reported that the Veendam Council has now approved re-establishment of the Sister City relationship with the City of Kelowna. Councillor Clark challenged all members of Council to consider initiatives that could be undertaken to the mutual benefit of both communities noting he would present the ideas to Veendam on his visit to Holland.

9. TERMINATION

The meeting was declared terminated at 8:48 p.m.

Certified Correct:_____
Mayor

BLH/bn

City Clerk