

Regular MeetingNovember 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, November 27, 2001.

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

Council members absent: Mayor Walter Gray and Councillor B.A. Clark.

Staff members in attendance were: Acting City Manager, R.L. Mattiussi; Deputy City Clerk, A. Flack; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Deputy Mayor Cannan called the meeting to order at 8:54 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, November 5, 2001
Public Hearing, November 13, 2001
Regular Meeting, November 13, 2001
Regular Meeting, November 19, 2001

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R955/01/11/27 THAT the Minutes of the Regular Meetings of November 5, November 13 and November 19, 2001 and the Minutes of the Public Hearing of November 13, 2001 be confirmed as circulated.

Carried

4. Councillor Given 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. 8752 (HRA01-010) – Heritage Revitalization Agreement Authorization Bylaw – J.W. Hughes House – 806 Bernard Avenue

Moved by Councillor Given/Seconded by Councillor Nelson

R956/01/11/27 THAT Bylaw No. 8752 be read a second and third time.

Carried

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5.2 Bylaw No. 8753 (HRA01-011) – Heritage Revitalization Agreement Authorization Bylaw – Park Avenue Properties – 2056 Pandosy Street

Moved by Councillor Given/Seconded by Councillor Shepherd

R957/01/11/27 THAT further readings of Bylaw No. 8753 (HRA01-011 – Heritage Revitalization Agreement Authorization Bylaw – Park Avenue Properties – 2056 Pandosy Street) be deferred to the Regular Meeting of Monday, December 3, 2001 in order for the applicant to provide programming details including a listing of the programs being offered, the number of participants anticipated in each group at any given time, and whether sessions would be run concurrently.

Carried

6. PLANNING

6.1 Planning & Development Services Department, dated November 6, 2001 re: Development Permit Application No. DP01-10,048 and Development Variance Permit Application No. DVP01-10,049 – Helmut Behlke/Chevron Canada Ltd. – 1890 Harvey Avenue

Staff:

- The applicant is proposing to redevelop the site with a new car wash, reconstructed pump islands, a fast food restaurant with drive-thru, and a convenience store.
- The existing access off Spall Road would be retained and the 2 existing access points off Harvey Avenue would be replaced with a single access.
- The Town Pantry convenience store would be oriented toward the gas pumps toward the east. The fast food outlet is a White Spot Triple 0 restaurant that would be oriented toward Harvey Avenue.
- The applicant has provided a landscape plan that indicates re-landscaping of the majority of the site to coincide with the drive isles and the drive-thru.
- Recommend support of the requested variances to reduce the setback requirements for the pump island and canopy and for the two free standing signs.
- Do not recommend support for the requested variances to permit additional signage on the gas pumps or the drive-thru directional signage on the White Spot building which also exceed the size requirement of the Sign Bylaw.

The Deputy City Clerk advised that the following correspondence was received:

- Letter from Witmar Holdings Ltd., owner of the two hotel/motel properties that flank the subject property on the north and west, objecting to the location of the vehicle filling station and compressor station and suggesting that the high pressure gas compressor and related electrical control systems should be stored in a separate room; storage tanks are too close to the property line; the existing fence which screens the refuse bin does not meet height requirements; the existing fence material and design is inconsistent with materials of the proposed principal building; the development does not meet landscape buffer requirements; there are too many signs proposed for the development which constitutes visual clutter from the hotel guests' perspective; a canopy encroaches into the allowable front yard setback and will block Witmar's free standing sign.

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

Helmut Behlke, applicant:

- Outlined the history of the Chevron Canada operation in B.C. from its conception as Standard Oil.
- The proposed site redesign is based on crime prevention principles for lighting, visibility, etc.
- Access from Harvey Avenue would be right-in/right-out only.
- Existing single wall tanks and single wall piping will be replaced with double walls, underground lines will be continuous with no below ground connections, and there will be electronic sensing.
- The three existing wand car washes will be replaced with an automated, touchless car wash.
- The requested under-canopy signs are similar to the signage of competitors.
- The fascia sign above the roof line of the restaurant is intended to be seen by the customers from the street and the drive thru sign with the directional arrow is to better clarify to the drive-thru customers where they should go.
- Staff will be on the site 24-hours a day.
- The majority of the concerns in the letter from Witmar have been addressed, including the location of the gasoline vapor venting stacks which will be up the car wash and not on the property line.

Albert Weisstock, Witmar Holdings Ltd.:

- Owner of the properties to the north and west of the subject property.
- Generally Chevron has been a good neighbour but when gas pumps get filled the gas fumes are overwhelming. Pleased to hear that the venting will be up the car wash and not on the property line.
- Concerned about noise from the drive-thru speakers, the potential number of illuminated signs, and the landscape buffer on the north property line which is less than 3 m.

Helmut Behlke, applicant:

- The drive thru speaker and menu board have been oriented so that sound will be buffered.
- The small logo signs for the gas pumps are not illuminated and would only be seen from on-site.
- The landscape buffer between the property to the north will include a 1.8 m buffer of landscaping plus a 2 m high opaque fence.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R958/01/11/27 THAT Council authorize the issuance of Development Permit No. DP01-10,048 for Lot 1, Sec. 20, Twp. 26, ODYD Plan 30767, except Plan 41382 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 provided be in general accordance with Schedule "D";

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5. The applicants 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 Council authorize the issuance of Development Variance Permit DVP01-10,049 for Lot 1, Sec. 20, Twp. 26, ODYD Plan 30767, except Plan 41382 located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following section of City of Kelowna Zoning Bylaw No. 8000 be granted:

Section 6.10.1 Setbacks from Provincial Highways: Vary the required setback from Highway 97 from 15.0 m required to 6.0 m proposed for the canopy and 9.0 m proposed for the gas pump;

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

5.6.1. (d): Location of free-standing signs: Vary the minimum distance between two free-standing signs from 30.0 m required to 28.0 m proposed and vary the minimum distance to the property line from 1.5 m required to 0.0 m proposed for the easternmost free-standing sign;

Section 6.1 Specific Zone Regulations: Vary the number of fascia/canopy/under-canopy signs from 2 per business permitted to 12 proposed for Chevron; and Vary the number of fascia/canopy/under-canopy signs from 2 per business permitted to six proposed for the fast-food restaurant;

AND FURTHER THAT the applicants 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

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8756 (OCP01-011) – Rychjohn Investments Ltd. (Carl Scholl Design) – 3163 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R959/01/11/27 THAT Bylaw No. 8756 be read a first time.

Carried

- 7.2 Bylaw No. 8757 (Z01-1045) – Rychjohn Investments Ltd. (Carl Scholl Design) – 3163 Richter Street

Moved by Councillor Hobson/Seconded by Councillor Day

R960/01/11/27 THAT Bylaw No. 8757 be read a first time.

Carried

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- 7.3 Bylaw No. 8758 (Z01-1044) – Okanagan Mission Community Hall Association and City of Kelowna – 4409 Lakeshore Road and 639 Dehart Road

Moved by Councillor Hobson/Seconded by Councillor Day

R961/01/11/27 THAT Bylaw No. 8758 be read a first time.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 10:00 p.m.

Certified Correct:

Deputy Mayor Cannan

Deputy City Clerk

BLH/am