

Regular MeetingMay 18, 2004

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, May 18, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, R.D. Cannan, B.A. Clark, C.B. Day*, B.D. Given, E.A. Horning and S.A. Shepherd*.

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, 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 12:36 a.m.

AUTHORIZATION TO CONVENE MEETING

Moved by Councillor Day/Seconded by Councillor Shepherd

R496/04/05/18 THAT pursuant to Section 5.5 of Council Procedure Bylaw No. 9200, this Council meeting be permitted to convene after 11:00 p.m.

Carried

Councillor Clark opposed.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 3, 2004
Public Hearing, May 4, 2004
Regular Meeting, May 4, 2004
Regular Meeting, May 10, 2004

Moved by Councillor Given/Seconded by Councillor Horning

R497/04/05/18 THAT the Minutes of the Regular Meetings of May 3, May 4 and May 10, 2004 and the Minutes of the Public Hearing of May 4, 2004 be confirmed as circulated.

Carried

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

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- 5.1 Bylaw No. 9211 (OCP03-0014) – John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road **requires majority vote of Council (5)**

Councillor Day declared a conflict of interest because he owns property within the notification radius and left the Council Chamber at 12:38 a.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R498/04/05/18 THAT Bylaw No. 9211 be read a second and third time.

DEFEATED

(requires majority vote of Council (5); vote was 4 to 3)

Councillors Blanleil, Cannan and Shepherd opposed.

- 5.2 Bylaw No. 9212 (Z03-0071) - John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road

Could not be considered because bylaw under No. 5.1 was defeated.

Councillor Day returned to the Council Chamber at 12:51 a.m.

- 5.3 Bylaw No. 9229 (Z03-0022) - R 354 Enterprises Ltd. – 2355/2455 Acland Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R499/04/05/18 THAT Bylaw No. 9229 be read a second and third time.

Carried

- 5.4 Bylaw No. 9230 (OCP04-0001) – Canada Lands Company – 1187 Sunset Drive **Requires majority vote of Council (5)**

Moved by Councillor Horning/Seconded by Councillor Given

R500/04/05/18 THAT Bylaw No. 9230 be read a second and third time.

Carried

- 5.5 Bylaw No. 9231 (Z04-0004) – Canada Lands Company – 1187 Sunset Drive

Moved by Councillor Horning/Seconded by Councillor Given

R501/04/05/18 THAT Bylaw No. 9231 be read a second and third time.

Carried

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- 5.6 Bylaw No. 9219 (Z04-0008) – Freda & David Shanko (Freda Shanko) – 840 Princess Court

Moved by Councillor Given/Seconded by Councillor Shepherd

R502/04/05/18 THAT Bylaw No. 9219 be read a second and third time, and be adopted.

Carried

Councillor Clark opposed.

- 5.7 Bylaw No. 9232 (HD04-0001) - G.D. Loane House – 1858 Abbott Street

Moved by Councillor Shepherd/Seconded by Councillor Clark

R503/04/05/18 THAT Bylaw No. 9232 be read a second and third time, and be adopted.

Carried

- 5.8 Bylaw No. 9234 (OCP04-0008) - Cedar Avenue Land Use Review **requires majority vote of Council (5)**

Councillor Shepherd declared a conflict of interest because she is part owner of a property that is adjacent and left the Council Chamber at 12:56 a.m.

Moved by Councillor Day/Seconded by Councillor Blanleil

R504/04/05/18 THAT further reading consideration of Bylaw No. 9234 (OCP04-0008 – Cedar Avenue Land Use Review) be deferred to a future meeting of Council.

Carried

Councillor Shepherd returned to the Council Chamber at 12:56 a.m.

6. PLANNING

- 6.1 Planning & Corporate Services Department, dated April 22, 2004 re: Development Variance Permit Application No. DVP04-0031 – Otto & Anne Fuhrmann – 387 Stellar Drive

Staff:

- The applicant's intent is to replace the existing garage with a new garage in the rear of the property. The property is subject to a Land Use Contract (LUC); this application would vary the standards in the LUC.
- The applicant has provided letters of support from the abutting property owners on both sides.

The Acting City Clerk advised that no correspondence had been received.

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

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R505/04/05/18 THAT Council authorize an amendment to Land Use Contract No. 77-1002 in relation to Lot 152, Section 23, Township 28, SDYD Plan 32591;

AND THAT variances to the following sections of Zoning Bylaw No. 4500 be granted:

Section 104.5 – Siting of Principal Buildings: Subsection: 104.5 (3): Rear Yard

To vary the rear yard setback from 7.5 m required to 3.0 m proposed.

Carried

6.2 Planning & Corporate Services Department, dated April 13, 2004 re: Development Variance Permit Application No. DVP04-0037 – West Rutland Development Corp. (Culos Development Inc.) – 1188 Houghton Road

Staff:

- The variances are needed to accommodate a 34-unit bareland strata development.

The Acting City Clerk advised that no correspondence had been received.

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

Moved by Councillor Horning/Seconded by Councillor Shepherd

R506/04/05/18 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0037; Strata Lot 1, Section 27, Township 26, ODYD, Strata Plan KAS2406, located on Houghton Road, Kelowna, B.C.;

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

Section 13.5: Bareland Strata Housing: Subsection: 13.5.6(c):

Vary the site front yard setback from 4.5 m required to 4.1 m proposed;

Section 13.5: Bareland Strata Housing: Subsection: 13.5.6(d):

Vary the side yard setback from 1.5 m required (3.0 total between bareland strata lots) to 1.2 m proposed.

Carried

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6.3 Planning & Corporate Services Department, dated April 15, 2004 re: Development Variance Permit Application No. DVP04-0008 – Sweetwater Management Ltd. (Pattison Sign Group) – 1200 Leathead Road

Staff:

- The Toyota Dealership is proposing to revise site signage in a number of locations. They are proposing more fascia signs than are permitted by the bylaw and are also asking to vary the size restriction for free standing signs.
- Staff do not recommend support because there are redundant signs on the building and in the opinion of staff the height difference is not necessary.

The Acting City Clerk advised that no correspondence had been received.

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

Applicant:

- The City's Sign Bylaw has changed since the original installation of these signs. Was not aware of the bylaw changes when Toyota developed their national program for signage.
- This is just replacing existing signs that are there already, albeit maybe a different size.
- The signs and pylons are manufactured in mass so it is difficult to make them conform.

Moved by Councillor Clark/Seconded by Councillor Cannan

THAT Council **not** authorize the issuance of Development Variance Permit No. DVP04-0008, Pattison Sign Group, Lot 2, D.L. 124, ODYD, Plan KAP50364, located on Leathead Road, Kelowna, B.C.;

AND THAT variances to the following section of Sign Bylaw No. 8235 **not** be granted:

Section 6: Specific Zone Regulations: Town Centre Commercial (C4)

- A VARIANCE TO ALLOW A FREESTANDING SIGN TO BE 8.76 METRES IN HEIGHT WHERE ONLY 8.00 METRES IS PERMITTED;
- A VARIANCE TO ALLOW TWO FREESTANDING SIGNS TO BE LOCATED ON THE EAST FRONTAGE (DEASE ROAD) WHERE ONLY ONE IS PERMITTED;
- A VARIANCE TO ALLOW FOUR FASCIA, CANOPY, AND/OR UNDER-CANOPY SIGNS WHERE ONLY TWO ARE PERMITTED PER BUSINESS (TOYOTA);
- A VARIANCE TO ALLOW THREE FASCIA, CANOPY, AND/OR UNDER-CANOPY SIGNS WHERE ONLY TWO ARE PERMITTED PER BUSINESS (EXPRESS LUBE).

A motion moved by Councillor Blanleil for the alternate recommendation which would have granted all of the requested variances was lost for lack of a seconder.

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Council:

- Concerned that the base of the free standing sign on Leathead Road may impede sightlines.

Applicant:

- Willing to consider moving the sign to address the sightline concern.

Moved by Councillor Day/Seconded by Councillor Blanleil

R507/04/05/18 THAT further consideration of Development Variance Permit Application No. DVP04-0008 (Pattison Sign Group – 1200 Leathead Road) be deferred for the applicant to work with staff toward achieving signage that is more in compliance with City of Kelowna Sign Bylaw 8235.

Carried

6.4 Planning & Corporate Services Department, dated April 27, 2004 re: Development Variance Permit Application No. DVP04-0039 – City of Kelowna (Kelowna Museum Association/Natalie Limbos-Bomberg) – 470 Queensway Avenue

The Acting City Clerk advised that no correspondence had been received:

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

Moved by Councillor Clark/Seconded by Councillor Day

R508/04/05/18 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0039 for Lot A, District Lot 139, ODYD Plan 5438, located at 470 Queensway, Kelowna, B.C. subject to the following:

- No more than 20% of the banner area shall be used for the name and logo of a commercial sponsor;

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

Section 6 – Specific Zone Regulations

Vary the maximum area for fascia signs from 0.3 m²/lineal metre of building frontage required, to 26.75 m² proposed (Queensway façade), and 5.0 m² proposed (Ellis façade);

Vary the maximum number of signs from one (1) per building frontage and up to a maximum of three (3) required, to allow three (3) for the Queensway frontage plus one (1) for the Ellis frontage, for a total of four (4) proposed.

Carried

Moved by Councillor Clark/Seconded by Councillor Day

R509/04/05/18 THAT the fees associated with Development Variance Permit Application No. DVP04-0039 (Kelowna Museum), totalling approximately \$900, be appropriated from Council Contingency.

Carried

Councillor Blanleil opposed.

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7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

Mayor Gray asked Council if they wished to consider agenda items No. 7.1 to 7.6 in one resolution.

Councillor Day asked that Bylaw No. 9238 under agenda item No. 7.3 be considered separately.

7.1 Bylaw No. 9228 (Z04-0022) – City of Kelowna – Various Properties

The Acting City Clerk advised Council that one additional property at 620 Franklyn had been added to the bylaw subsequent to Council's initial consideration of the proposed amendments.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R510/04/05/18 THAT Bylaw No. 9228, 9236, 9239, 9240 and 9243 be read a first time.

Carried

7.2 Bylaw No. 9236 – Kelowna 2020 Official Community Plan Amendments **requires majority vote of Council (5)**

See resolution adopted under item No. 7.1.

7.4 Bylaw No. 9239 (Z04-0011) – Springfield Plaza Inc. – 1585 Springfield Road

See resolution adopted under item No. 7.1.

7.5 Bylaw No. 9240 (OCP04-0009) – Official Community Plan Amendment **requires majority vote of Council (5)**

See resolution adopted under item No. 7.1.

7.6 Bylaw No. 9243 – Official Community Plan Amendment **requires majority vote of Council (5)**

See resolution adopted under item No. 7.1.

7.3 Bylaw No. 9238 (TA04-0001) – City of Kelowna Zoning Bylaw Amendment to Add the CD16 – Bingo and Gaming Zone

Councillor Day declared a conflict of interest because a direct family member owns adjoining property and left the Council Chamber at 1:20 a.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R511/04/05/18 THAT Bylaw No. 9238 be read a first time.

Carried

8. REMINDERS – Nil.

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9. TERMINATION

The meeting was declared terminated at 1:22 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am