

Regular MeetingMay 3, 2005

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 3, 2005.

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

Council members absent: Councillors A.F. Blanleil and S.A. Shepherd.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting Deputy City Clerk, D.M. Fediuk; 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 9:50 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, April 18, 2005
Public Hearing, April 19, 2005
Regular Meeting, April 19, 2005
Regular Meeting, April 25, 2005

Moved by Councillor Day/Seconded by Councillor Hobson

R423/05/05/03 THAT the Minutes of the Regular Meetings of April 18, April 19 and April 25, 2005 and the Minutes of the Public Hearing of April 19, 2005 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

5.1 Bylaw No. 9387 (Z04-0074) – City of Kelowna (Bell Mountain Estates) – 2030 Highway 33 East

Councillor Day declared a conflict of interest because he owns property within the notification radius of this application and left the Council Chamber at 9:53 p.m.

Moved by Councillor Given/Seconded by Councillor Horning

R424/05/05/03 THAT Bylaw No. 9387 be read a second and third time.

Carried

Councillor Day returned to the Council Chamber at 9:54 p.m.

Regular Meeting

May 3, 2005

- 5.2 Bylaw No. 9404 (Z05-0007) – Kevin & Pamela Purnell – 4110 Tatlow Road

Moved by Councillor Horning/Seconded by Councillor Given

R425/05/05/03 THAT Bylaw No. 9404 be read a second and third time.

Carried

- 5.3 Bylaw No. 9410 (Z04-0087) – JJW Holdings Ltd./Jacob Warkentin (New Town Planning Services Inc.) – 921, 923 Richter Street

Moved by Councillor Hobson/Seconded by Councillor Given

R426/05/05/03 THAT second and third reading consideration of Bylaw No. 9410 [Z04-0087 – JJW Holdings Ltd. (Kelowna Steel Fabricators) – Richter Street] be deferred in response to input received at the public hearing regarding the City-owned property to the south.

Carried

(BYLAW PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.4 Bylaw No. 9401 (Z05-0005) - Lorie Bradshaw – 999 Lanfranco Road

Moved by Councillor Clark/Seconded by Councillor Horning

R427/05/05/03 THAT Bylaw No. 9401 be read a second and third time, and be adopted.

Carried

- 5.5 (a) **(RESOLUTION TO DISCHARGE LAND USE CONTRACT)**

Moved by Councillor Day/Seconded by Councillor Hobson

R428/05/05/03 THAT the Land Use Contract 77-1002 (Bylaw 4468-77) Lombardy Developments Ltd., registered in the Land Title Office at Kamloops, British Columbia against title to the Lands on Lot 163, Section 23, Township 28, SDYD, Plan 32591, located on Stellar Drive, Kelowna, B.C. under Registration Number P1861 on January 11, 1979 is hereby amended by discharging those portions of said Land Use Contract.

Carried

- (b) **(BYLAW PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

Bylaw No. 9406 (Z05-0013) – Verena & Dirk Stroda – 394 Stellar Drive

Moved by Councillor Day/Seconded by Councillor Cannan

R429/05/05/03 THAT Bylaw No. 9406 be read a second and third time, and be adopted.

Carried

Regular MeetingMay 3, 20056. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated March 23, 2005 re: Development Variance Permit Application No. DVP05-0018 – Condor Holdings Ltd. (Christine Pinette) – 2663 Bath Street

Staff:

- The applicant is requesting the variance in order to pursue redevelopment of the site with two dwelling units.
- The property is on the corner of Bath and Osprey. For redevelopment purposes, Osprey Avenue would be the front yard and Bath Street would be considered a side yard.

The Acting Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Christine Pinette, applicant:

- Indicated she had nothing to add at this time.

Moved by Councillor Cannan/Seconded by Councillor Clark

R430/05/05/03 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0018 for Lot 11, D.L. 14 ODYD Plan 3785, located on Bath Street, 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";

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

13.6.6(e) RU6 Development Regulations – Rear Yard Setback

Vary the rear yard setback from the required 6.0 m for a 1 or 1½ storey portion of a building and 7.5 m for a 2 or 2½ storey portion of a building, to 4.5 m proposed.

Carried

- 6.2 Planning & Corporate Services Department, dated April 5, 2005 re: Development Variance Permit Application No. DVP05-0038 – Lorie Bradshaw – 999 Lanfranco Road

Staff:

- The variance is requested to address a deficiency in the lot depth requirement for a proposed new lot.

The Acting Deputy City Clerk advised that no correspondence and/or petitions had been received.

Regular MeetingMay 3, 2005

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 Day/Seconded by Councillor Cannan

R431/05/05/03 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0038; located on Lanfranco Road, Kelowna, B.C., Lot B, Plan 20294, D.L. 135, ODYD;

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

Section 13.2.5 Subdivision Regulations: RU2 – Medium Lot Housing

- Vary the required lot depth from 30 m required to 29.42 m proposed for a two lot single family subdivision.

Carried

6.3 Planning & Corporate Services Department, dated March 22, 2005 re: Development Variance Permit Application No. DVP05-0019 - 681623 BC Ltd. (Scott Amis/Kelowna BMW) – 2530 Enterprise Way

Staff:

- This is the last of 7 lots in the auto mall and all of the other car dealerships and car repair establishments conformed to the Sign Bylaw. Staff do not feel it is fair for this dealership to get special treatment and are recommending that the variances not be granted.

The Acting Deputy City Clerk advised that no correspondence and/or petitions had been received.

Scott Amis, applicant:

- Changes have already been made to the site plans in order to be closer to the intent of the bylaw. The height of the tower has been lowered from 9.4 m to 6.3 m to make it a more palatable design to accept. The four flag poles have been moved back and, if they are allowed, will be kept under the height limit.
- The BMW Mission Tower is integral to the building architecture, not just a sign on the top of the roof. The four legs of the sign tower are structural supports that are part of and complement the modern design of the building.
- The tower is internationally recognized. Other municipalities have allowed it because this type of signage is usually acceptable in an auto mall.
- Showed photos of other businesses in Kelowna that have signage above the parapet.
- Having the BMW branding on the tower sign results in less surface area being required for street level signage.
- Could put a roof on the sign tower so that it could stay but would prefer not to have to.

Brian Quiring, project architect:

- There needs to be more clarity in the Sign Bylaw. The Sign Bylaw is for buildings that are commercial/retail units. BMW is a purpose built facility – a high quality building with a tower with signage on it that is part of the building.
- In his mind, the BMW Mission Tower is not a sign.

Regular MeetingMay 3, 2005

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 Cannan

R432/05/05/03 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0019 for Lot 1, D.L. 125 ODYD Plan KAP69740, located on Enterprise Way, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the signage to be constructed on the land be in general accordance with the Schedule "A";
2. The exterior design and finish of the signage to be constructed on the land be in general accordance with Schedule "B";

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

Section 3.1.5 – Prohibits Signage on Roof or Parapet of Building

Vary the prohibition on roof-top signage to allow a 6.3 m signage tower to be erected on top of the proposed building.

DEFEATED

Councillors Cannan, Clark, Day, Given and Hobson opposed.

Moved by Councillor Horning/Seconded by Councillor Cannan

R433/05/05/03 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0019 for Lot 1, D.L. 125 ODYD Plan KAP69740, located on Enterprise Way, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the signage to be constructed on the land be in general accordance with the Schedule "A";
2. The exterior design and finish of the signage to be constructed on the land be in general accordance with Schedule "B";

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

Section 6.1 – Specific Zone Regulations (Number of Free-Standing Signs)

Vary the maximum allowable number of free-standing signs, to permit a total of five (5) free-standing signs where no more than one (1) is permitted for this site.

Carried

Councillors Clark and Hobson opposed.

7. **REMINDERS** – Nil.

Regular Meeting

May 3, 2005

8. TERMINATION

The meeting was declared terminated at 10:51 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

BLH/am