

Regular MeetingSeptember 20, 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, September 20, 2005, 2005.

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

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; 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 7:03 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Public Hearing, September 6, 2005  
Regular Meeting, September 6, 2005  
Regular Meeting, September 12, 2005

Moved by Councillor Given/Seconded by Councillor Hobson

**R891/05/09/20** THAT the Minutes of the Regular Meetings of September 6, 2005 and September 12, 2005 and the Minutes of the Public Hearing of September 6, 2005 be confirmed as circulated.

Carried

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

5. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

5.1 Planning & Corporate Services Department, dated August 16, 2005 re: Development Variance Permit Application No. DVP05-0111 – Carolco Developments Ltd. (Sign Craft) – 532-538 Yates Road

Staff:

- Access to the site is off Yates Road and off a common driveway with the bareland strata community to the east. There two commercial buildings on the site; the TD Canada Trust building is parallel to Glenmore Drive; a commercial building with space for six or seven tenants is behind.
- This application is for a variance to the Sign Bylaw to allow a free-standing pylon sign that exceeds the requirements of the Sign Bylaw for height and advertising area.
- Staff recommend against the variance for the sign. Although the original design has been improved upon, staff still view the sign as excessive for the property.
- The next application on this agenda included variances for the fascia signage for the second building and for rooftop signage on the architectural feature on the TD building. Council deferred consideration of the rooftop signage issue to this meeting in order to first hear from the public on the free-standing pylon sign.

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- Staff would not oppose moving the proposed pylon sign to a location on the corner of Yates and Glenmore, but would still be concerned with the variances for the height and area of the sign. Something lower that wrapped around the corner may be supportable if the design was changed to be more complementary to the site.

The Deputy City Clerk advised that the following correspondence had been received:

- letter of opposition from the Sandalwood strata council saying the free-standing pylon sign would be too intrusive into the residential area in the proposed location.

Mayor Gray invited the applicant to come forward.

Ed Hall, Canadian Adult Communities, representing the applicant:

- The merchants of the shopping plaza require exposure to be successful and the merchants in the rear building (Building B) on the site need some exposure to the traffic on Glenmore Road. Potential clients are already concerned that there is not enough exposure. Anticipate that there will be 6 or 7 clients in Building B. The sign band on the pylon sign is designed to take 6 signs and each sign band is about 8 ft. long and 1.5 ft. deep. TD have indicated they are not interested in being on the pylon so the sign bands would be just for the rear stores. The proposed sign would meet the requirements of the C3 zone. The C2 zone only allows a 5 ft. x 5 ft. sign which would work for a neighbourhood Macs or Convenience store but not this mall.
- The cupola on the roof top of Building A (TD building) is 35 ft. high; the top of the ridge line is 25 ft. high; the proposed pylon sign is 16 ft. high; and the fascia of the building is 12 ft. high so it is not a huge building. The building would be 9 ft. higher than the sign itself. Displayed a photo with the sign superimposed in the location originally planned to show the sign would be in keeping with the size of the building, even though it is a single storey building.
- The proposed location for the sign was indicated on the approved building permit drawings. However, would move the sign to the corner if Council thinks that is a better location for the sign. The rooftop signage for Building A was also clearly indicated from the beginning. The cupola creates a landmark and is a design requirement of TD bank.
- Building A is 5,000 sq. ft. in size; Building B is 13,000 sq. ft.

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

Russ Sauer, president of Sandalwood Adult Community Strata Council, 550 Yates Road:

- The proposed location for the freehold sign would not be visible to all traffic and would impact on Sandalwood.
- The residents of Sandalwood would support placing the freehold sign on the corner of Glenmore and Yates. The *type* of sign is of no consequence to the Sandalwood residents. Location is their only issue of concern.

Dave Bible, representing TD Bank:

- The pylon sign could be moved to the corner location but that could be an issue for TD if the logo signage was not approved on the cupola. At the corner, the pylon sign would impact the fascia signs on the TD building.

Ed Hall, continued:

- Need to be able to get sign bands for six merchants on the pylon sign so need the variance for the square footage; the sign could be designed to eliminate need for the height variance.

Regular MeetingSeptember 20, 2005Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R892/05/09/20** THAT Council authorize the issuance of Development Variance Permit No. DVP05-0111; Lot 1, Section 32, Township 26, ODYD Plan 77456, located on Yates Road, Kelowna, B.C.;

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

**Section 6.1: Specific Zone Regulations: Local Commercial zones:**

- Vary the maximum area for a free-standing sign from 3.0 m<sup>2</sup> to 13.38 m<sup>2</sup>;

AND FURTHER THAT the free-standing sign be the located at the required setbacks for the corner of Yates and Glenmore.

Carried

- 5.2 **Deferred from August 23/05 Regular Meeting in order to be considered in tandem with the application under agenda item No. 5.1** Planning & Corporate Services Department, dated July 21, 2005 re: Development Variance Permit Application No. DVP05-0113 – Carolco Developments Ltd. and Springdale Properties Ltd. (Atlas Sign & Awning Co.) – 532-538 Yates Road

Staff:

- Council has already heard from the public on this application and approved the requested variances for fascia signage. The decision on the variance for roof top signage was deferred to this meeting in order for Council to first receive public input on the pylon sign.

Charlie Seaman, applicant:

- TD likes to use tower signage as a trademark for identification, and they have used that type of signage on all new branches in the last 4 years.
- The discrete signage they have been allowed on the fascia of the TD building does not do the building justice.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R893/05/09/20** THAT Council ***not*** authorize the issuance of Development Variance Permit No. DVP05-0113; Lot 1, Section 32, Township 26, ODYD Plan 77456, located on Yates Road, Kelowna, B.C.;

AND THAT the a variance ***not*** be granted to the following sections of Sign Bylaw No. 8235:

**Section 6.1: Specific Zone Regulations:**

- Vary Section 3.1.5 of Sign Bylaw No. 8235, to allow signage on an architectural feature above the roof of the building.

**DEFEATED**

Mayor Gray and Councillors Blanleil, Clark, Day and Shepherd opposed.

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Moved by Councillor Blanleil/Seconded by Councillor Day

**R894/05/09/20** THAT Council authorize the issuance of an amended Development Variance Permit (DVP05-0113 – Lot 1, Plan 77456 on Yates Road); granting the following variance of Sign Bylaw No. 8235:

**Section 6.1: Specific Zone Regulations:**

- Vary Section 3.1.5 of Sign Bylaw No. 8235, to allow signage on an architectural feature above the roof of the building.

Carried

Councillors Cannan, Given and Hobson opposed.

5.3 Planning & Corporate Services Department, dated August 18, 2005 re: Development Permit Application No. DP05-0120 and Development Variance Permit Application No. DVP05-0121 – Marlene Collinson – 599 Denali Drive

Staff:

- The property slopes significantly from east to west. The applicant is proposing to develop the site with 8 semi-detached units and 2 single detached units.
- Retaining walls are required because of the steep slopes on the subject property. The visual appearance of the retaining walls would be broken up by landscaping.

The 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.

Applicant:

- Available to answer questions but nothing to add at this time.

Moved by Councillor Day/Seconded by Councillor Given

**R895/05/09/20** THAT Council authorize the issuance of Development Permit No. DP05-0120 for Lot 1, Sections 28 and 33, Township 26, ODYD Plan KAP74074 located on Denali Drive, 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0121; for Lot 1, Sections 28 and 33, Township 26, ODYD Plan KAP74074 located on Denali Drive, Kelowna, B.C.;

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

**Section 7: Landscaping: 7.5 – Fencing and Retaining Walls: 7.5.8:**

- Vary the maximum height for retaining walls from 1.2 m to 2.3 m and 3.0 m as per schedule “A” attached to the permit;

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

5.4 Planning & Corporate Services Department, dated August 17, 2005 re: Development Variance Permit Application No. DVP05-0102 – Abraham Jerome (Reiner Teschinsky) – 2662 Monford Road

Staff:

- The property slopes down as it moves to the north and the accessory building is being constructed toward the north end of the property. The applicant used some of the slope of the land to lower the building into the grade a bit and they now have two sides of the building that are over-height for an accessory building. That triggers the need for variances to retain the structure.
- The affected neighbours have indicated to the applicant that they have no concern.

The 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. There was no response.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R896/05/09/20** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP05-0102; Reiner Teschinsky; Lot 1, Sec. 34, Twp. 26, O.D.Y.D., Plan 43988, located on Monford Road, Kelowna, B.C.;

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

**Section 12.2.6(b), Development Regulations**

- Vary the maximum height for accessory buildings or structures from 4.5 m permitted to 6.0 m proposed.

Carried

5.5 Planning & Corporate Services Department, dated August 19, 2005 re: Development Variance Permit Application No. DVP05-0127 – Legum Management Ltd. (Derek Crawford Architects Inc.) – 1665 Ellis Street

Staff:

- The building is currently four storeys in height. The applicant is requesting permission to extend the fourth floor to the same limit as the first three floors and to add a fifth floor that would include roof top terraced areas similar to the existing fourth floor.

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The 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. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R897/05/09/20** THAT Council authorize the issuance of Development Variance Permit No. DVP05-0127; Lot A, DL 139, O.D.Y.D., Plan KAP75786, located on Ellis Street, Kelowna, B.C.;

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

1. Section 14.7.5(e) **Development Regulations** be varied from “any portion of a building above **15 m** in height must be a minimum of 3.0 m from any property line abutting a street...” required to **18.8 m** in height proposed;
2. Section 14.7.5(f) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height must be a minimum of 4.0 m from any property line abutting another property as illustrated on C7-Diagram B attached to this bylaw” required to **18.8 m** in height proposed;
3. Section 14.7.5(g) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height must lie within the prescribed line illustrated on C7 - Diagram B, attached to this bylaw. This line will start at a geodetic elevation 15.0 m above all property lines adjacent to a street, and be inclined at an angle of 80 degrees” required to **18.8 m** in height proposed;
4. Section 14.7.5(h) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any floor plate situated above **15.0 m** in height cannot exceed 676.0 m<sup>2</sup> as illustrated on C7 – Diagram B attached to this bylaw” required to **18.8 m** in height proposed;
5. Section 14.7.5(i) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any portion of a building above **15.0 m** in height cannot exceed a continuous exterior horizontal dimension of 26.0 m. as illustrated on C7 – Diagram B attached to this bylaw required to **18.8 m** in height proposed;
6. Section 14.7.5(j) **Development Regulations** be varied from “Within Areas 1 and 2, as shown on C7 - Diagram A, attached to this bylaw, any floor plate situated above **15.0 m** in height cannot exceed a diagonal dimension of 39.0 m. as illustrated on C7 – Diagram B attached to this bylaw” required to **18.8 m** in height proposed.

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- 5.6 Planning & Corporate Services Department, dated August 26, 2005 re: Development Permit Application No. DP05-0110 and Development Variance Permit Application No. DVP05-0114 – 0720229 BC Ltd. (Troika Developments Inc.) – 1355 Findlay Road

Staff:

- The applicant is proposing to develop the site with 36 units of row housing within nine buildings that visually would appear to be 2.5 storeys from the street elevation and 3 storeys in height from the internal driveways. It is the height from the internal driveway that creates the need for the variance.
- Staff have worked with the applicant regarding design and are satisfied that the majority of the zoning bylaw requirements are met other than the building height issue.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- letter of opposition from Laura Frame and Larry Layden, 579 Fitzpatrick Road, opposing the extra half storey because it would be contrary to the existing character of the neighbourhood.

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

Renee Wasylyk, managing partner of Troika Developments (applicant):

- The development does not max out on FAR, density or sight coverage.
- The height variance is necessary because of the high water table.
- It is only from the interior of the site that the building would appear to be 3 storeys in height.
- The fill material is on the site now and will be spread throughout the site and compacted.
- The riparian area will be fenced and protected during construction.
- The proposed landscaping and design are aesthetically pleasing.
- Creating a beautiful development with beautiful homes.

Bob Vogue, Lot 4, Fitzpatrick Road:

- Concerned about the high elevation of the subject property compared to that of adjacent properties coupled with the proposed 3 storey building height and the resultant impact on views.
- Concerned that a gully of approximately 12 ft. would be created from the rear of these properties into the riparian zone.
- Concerned that on-site parking will be inadequate.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R898/05/09/20** THAT Council authorize the issuance of Development Permit No. DP05-0110 for Lot 1, Sec. 35, Twp. 26, ODYD, Plan KAP77097, 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";

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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 height and siting of the retaining walls are to be constructed in general accordance with Schedule "A" and "C";
6. The applicant be required to pay the City the Sewer Specified Area # 20 Cash Commute Charge;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0114; Lot 1, Sec. 35, Twp. 26, ODYD, Plan KAP77097, Kelowna, B.C.;

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

Section 13.9.6 (c) – Low Density Multiple Housing

- A variance to allow a height of 3 storeys where only 2.5 storeys is permitted;

Section 8.1.12 – Parking and Loading

- A variance to allow the width of two way driving aisles to be 6.0 m where 7.0 m is required;

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

- 5.7 Planning & Corporate Services Department, dated August 26, 2005 re: Development Variance Permit Application No. DVP05-0123 – RGKKK Holdings – 2643 Enterprise Way

Staff:

- The applicant is requesting a variance to increase the maximum permitted number of fascia signs in order to place photo images of the store's products in recessed panels on the exterior of the building with indirect lighting sources above the panels
- In the opinion of staff, that would turn the entire building into a billboard and not be appropriate.

The 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.



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Cal Meiklejohn, architect for the applicant:

- Displayed several photos of buildings around the world that have images on them.
- The owner had hoped to have a pedestal or tombstone sign but could not meet the setback requirements and so as an alternative would like the proposed image signage at least in the front and back.
- The proposed signage would be more interesting/exciting than large blank expanses of wall which is typical of other businesses in the area.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R899/05/09/20** THAT Council **not** authorize the issuance of Development Variance Permit No. DVP05-0123, R.G.K.K.K. Holdings Ltd., Lot 9, DL 125, ODYD, Plan KAP73025, located on Enterprise Way, Kelowna, B.C.;

AND THAT **no** variances be granted to the requirements of Sign Bylaw No. 8235.

Carried

8. REMINDERS

- Friday, September 23<sup>rd</sup> at 1:30 p.m. – site visit with City staff at Quail Ridge.

9. TERMINATION

The meeting was declared terminated at 9:25 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk