

Regular MeetingDecember 11, 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, December 11, 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; Acting Director of Parks & Leisure Services, H.R. Hyatt; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:52 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, November 26, 2001
Public Hearing, November 27, 2001
Regular Meeting, November 27, 2001
Regular Meeting, December 3, 2001

Moved by Councillor Given/Seconded by Councillor Nelson

R999/01/12/11 THAT the Minutes of the Regular Meetings of November 26, November 27, and December 3, 2001 and the Minutes of the Public Hearing of November 27, 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. 8756 (OCP01-011) – Rychjohn Investments Ltd. (Carl Scholl Design) – 3163 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Nelson/Seconded by Councillor Given

R1000/01/12/11 THAT Bylaw No. 8756 be read a second and third time.

Carried

Regular MeetingDecember 11, 2001

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

Moved by Councillor Given/Seconded by Councillor Nelson**R1001/01/12/11** THAT Bylaw No. 8757 be read a second and third time.Carried

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

Moved by Councillor Shepherd/Seconded by Councillor Clark**R1002/01/12/11** THAT Bylaw No. 8758 be read a second and third time.Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated November 7, 2001 re: Development Variance Permit Application No. DVP01-10,066 – Dick Leppke, Okanagan Mission Community Hall Association – 4409 Lakeshore Road

Staff:

- The subject property is the site of the Okanagan Mission Community Hall and existing outdoor tennis courts.
- The applicant's are requesting a variance for a reduction of setback requirements.
- The need for a variance was triggered by a proposal to cover the existing 3 outdoor tennis courts with a permanent pre-engineered metal building.
- Showed an artist's rendering of the proposed structure, landscaping and signage along the face of the building.
- An addition is also proposed to the club house facilities off the rear behind the Scout Hall. The practice tennis courts would be retained.
- The subject application was reviewed by the Advisory Planning Commission (APC) who passed a recommendation of non-support due to the lack of public consultation and the opposition of adjacent property owners.
- The overall project was also reviewed by the Community Heritage Commission (CHC) at the request of Council. The CHC feels the design and size would detract from the heritage value of the community hall and scout hall buildings and recommends covering the proposed new outdoor tennis courts instead of the existing courts. The CHC also recommends that interpretive signage be included acknowledging the history of the area.
- Staff recommend non-support because the people most impacted by the application are opposed and the APC recommendation is negative.

Regular Meeting

December 11, 2001

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

Dick Leppke, project manager:

- The proposed additional indoor venue provides the nucleus for the Tennis Club's business plan and doubles the playing season and so is like adding 6 new courts.
- 85% of the tennis community membership has approved what is proposed.
- The existing courts are oriented at 45° off of north/south which makes it difficult to see the ball for up to 4 hours per day. This negative condition would be eliminated by enclosing the existing courts and with the north/south orientation of the proposed new courts.
- The practice court would be retained and complemented with 1 or 2 basketball hoops and would be open to use by anyone on a free open-gate basis.
- The main community hall would realize more efficient use as the Association moves toward more on-site facility management.
- The triangular portion of donated land would be landscaped to create a pocket park on the site. Would like to name the park Kabella Park but Steve Kabella has objected to that.
- The proposed pre-engineered building is typical of more than 80% of indoor courts in North America. Colours would be flat and earth tones. Architectural build-outs and landscaping would mitigate the impact of the building.
- The Association is considering implementing a community youth project to enhance the building frontage with a series of quality murals.
- The Association intends to be operationally self-supporting without any ongoing cost to taxpayers.
- The proposed structure would be 16 ft. to 35 ft. in height from eave and peak and would eliminate 90% of the noise for the Fairweather property. The Kabella side of the building would be screened by the existing cedars and the Association would be prepared to make that denser and add vines too if they can climb metal walls. If the existing cedars were to die as a result of construction, they would be replaced by the Association.
- All options for site development have been looked at and eliminated. The proposed configuration is the only option that would work on this property.
- Putting the enclosed tennis facility on the City-owned property instead of the Okanagan Mission Hall property would defeat the whole concept of the business plan and would not resolve the orientation problem of the existing courts.

Peter Chataway, president, Central Okanagan Heritage Society:

- The consensus of the Central Okanagan Heritage Society board of directors is that the scale of the building is oversize for the site and diminishes the heritage value of the site. Such a large building should have more open space around it.
- The Scout Hall is a log building and the Okanagan Mission Community Hall is of frame construction so any new building should probably be manufactured wood and funding is available to encourage use of wood in our community.
- The Mission Sportsfields (District Park) would be a better location for a tennis facility.
- The subject property is the community centre of the Mission area and should reflect the origin of the Mission in order to retain the benefits from history and heritage.
- The entire site should be reassessed in terms of community need. The proposed landscaping is poor and only masks the building.
- An architect is required on a project of this size.
- The requested variances should be denied.

Regular Meeting

December 11, 2001

Sue Fairweather, 4429 Lakeshore Road:

- The view from her back and side yards would be severely impacted if the existing chain link fence along her property boundary was replaced by a solid 35 ft. high wall of corrugated iron building.
- Vandalism and security are already an issue and the alleyway that would be created between the proposed building and her property would create a haven for youth to hang out in.
- Parking is already an issue with any function at the Hall and would worsen with the proposed project.
- Would be willing to compromise and support the project if the Association was to enclose the new courts rather than the existing courts.

Juleen McElgunn, 747 South Crest Drive:

- Need to work together to get a facility to accommodate community needs.
- Could change the exterior of the proposed building using community artists and young people to do artistic work (murals) on the exterior – enhances the structure and the community. They do that in Surrey and it can be very attractive – would be willing to help do something similar here.

David Burgess:

- Hockey arenas are not that attractive either.
- From the side yard of his residence his view is of the wall of his neighbour's house.
- To have 500 to 600 children on 3 tennis courts in a single year is a phenomenal achievement.
- The issue appears to be the competing interests of the proposed structure versus a few feet of setback.
- The Fairweather property is separated from the proposed structure by both trees and a chainlink fence.
- Tennis is wholesome activity and would love to see this project happen.

A resident of the Okanagan Mission area:

- The tennis coach has done remarkable job of interesting youth in tennis.
- Sees no other options for expanding this facility if the subject application is denied.
- This is an opportunity to get tennis back in the schools and in the community.
- The Association has already been approached by Tennis B.C. to host a tournament but had to say no because of no building yet. The proposed facility could draw tourism for tournament play.
- Tennis is the number three sport in Kelowna behind skiing and golf.

Richard Sherwood, 655 Dehart Road:

- Both the Advisory Planning Commission and the Community Heritage Committee do not recommend approval of this application.
- Referred to a memo written by a City staff member expressing safety concerns that a large building with no windows creates an area around the building that cannot be seen.

Tom Taylor, Lakeshore Road:

- Tennis is already the number three sport in B.C. after skiing and golfing; only three indoor tennis courts is inadequate for a city this size when tennis is the number three sport.
- Supports this initiative.

Regular MeetingDecember 11, 2001

Andrew Daley, 634 Dehart Road:

- Parking is already an issue at the Hall site.
- If the Association intends to have tournaments and bleachers the parking problem will be exacerbated. Not sure the issues surrounding parking, number of people, and garbage have been addressed properly.

Kim Tubb, 4433 Lakeshore Road:

- Her property borders the southeast side of part of the proposed indoor court development. The chain link tennis fence is 15 ft. from her front property line.
- She is used to living with the lighted tennis courts and does not mind the lights from a security point of view but now the proposed building would be practically on her front door step. Her view would be largely impacted by the proposed building.
- Questioned how many of Council would risk their property values or give up their views for a proposal such as this.
- Questioned how such a large building can be made attractive in such close proximity to residences.
- The proposed building would be in too close proximity to residential properties. The proposed building would also impact the Okanagan Mission Hall building as well as the Dehart/Lakeshore corner.
- Opposed to the requested variances because of the resultant impact on her view and possibly her property value.

Steve Kabella, 606 Sherwood Road:

- The proposed building would reduce natural light and would have an impact on growth as well as on the nearby residents.
- The people supporting this are not living in close proximity to the proposed building.
- Is not opposed to tennis but is opposed to the process and the way this is being implemented.
- His family has been very much in support of community affairs.
- The existing courts were of mutual benefit – the residents got the trees as a screen.
- Volleyball and badminton are also a tradition but the Association is not willing to allow them in the proposed building.
- No matter how the courts are oriented there will always be sun in the players' eyes at some point in time. Use sunglasses!
- The effect this has had on his 95 year old mother and the knowledge that this is what his family is getting in return for donating the land for park has been devastating. Does not want his mother to have to see the proposed building or to have this stress for her last years.
- Having their name on a plaque on a park bench or in the club house or having the park named after them is not what the family wants.

A teacher in Kelowna:

- The proposed facility would make 6 courts available for use and would be a terrific enhancement to high school tennis programs with the indoor facility. The additional courts would help for hosting tournaments and lengthen the training program period.
- Sees the proposal as totally positive and an asset for Kelowna.

EXTENSION OF MEETINGMoved by Councillor Blanleil/Seconded by Councillor Cannan

R1003/01/12/11 THAT the Rules of Procedure be suspended and the meeting be continued beyond 11 p.m.

Carried

Regular Meeting

December 11, 2001

Mr. Martin, former president of the Okanagan Mission Community Hall Association.

- This is an emotional issue for the affected neighbours. The Association has done the best that they can to mitigate the impacts of the proposed project.
- The project was borne out of community need and for community benefit. All the work that has been done was on a volunteer basis. This is a community project in the long term and tennis in the short term.
- The Association Board's view has been that future activities would have to be financially and fiscally responsible. The Scouts Hall has been returned to the scouts and youth. In the long term, the site itself would be built around youth. Maybe one day the Community Hall can be used for volleyball and badminton.
- Timing is of the essence. The volunteers are tired and if this does not get approved there is a good chance the project will be dropped.

Steve Kabella, 606 Sherwood Road:

- The Community Hall should be the first priority as it serves as a facility for more diverse uses and not just tennis.
- Has made suggestions through staff that would have lessor impact on adjacent properties.

Dick Leppke, project manager:

- The Fairweather property is screened by cedars planted above the remnants of a foundation of an earlier wood building that burned down. The cedars are within the Mission Hall property line.
- The Association members are fed up with banging their heads against the wall and are facing volunteer burn-out.
- Denial of this application would be major setback to the tennis community.
- 85% of the business plan is tennis for revenue; the plan would collapse without the indoor facility.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,066; Okanagan Mission Hall Association (Dick Leppke); Lot 1, DL 358, O.D.Y.D., Plan KAP69898, located on Lakeshore Road and Dehart Road, Kelowna, B.C.;

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

Section 16.2.5(e) Development Regulations minimum interior side yard set back be varied from 4.5 m required to the 1.8 m proposed;

Section 16.2.5(f) Development Regulations minimum rear yard setback be varied from 7.5 m required to the 4.5 m proposed.

Council:

- Agreed to defer further consideration of this application for staff and the applicant to reconsider some of the options to mitigate the impact of the building, including potential for enclosing the proposed new courts, and to address the neighbours' concerns regarding lighting, landscape screening, and the alleyway adjacent to the Fairweather property.
- Staff to advise Council at the Regular Meeting of December 17, 2001 as to whether the Association is willing to continue pursuing the proposed tennis facility.
- Staff to try to determine with the neighbours what if anything could be done to mitigate their concerns to the point where they could agree to the proposed tennis facility.

Regular Meeting

December 11, 2001

Moved by Councillor Shepherd/Seconded by Councillor Given

R1004/01/12/11 THAT further consideration of Development Variance Permit Application No. DVP01-10,066 – Okanagan Mission Community Hall Association – 4409 Lakeshore Road) be deferred in order to address items raised during the discussion at tonight's meeting;

AND THAT DVP01-10,066 be scheduled for further consideration at a future meeting of Council at which all members of Council will be present.

Carried

Councillor Blanleil opposed.

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8772 (OCP01-014) – The Board of School Trustees School District No. 23 (Culos Development Inc.) – 1180 Houghton Road **requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1005/01/12/11 THAT Bylaw No. 8772 be read a first time.

Carried

- 7.2 Bylaw No. 8773 (Z01-1054) – The Board of School Trustees School District No. 23 (Culos Development Inc. and Crown Provincial) – 1180 Houghton Road and 471 O'Keefe Court

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1006/01/12/11 THAT Bylaw No. 8773 be read a first time.

Carried

- 7.3 Bylaw No. 8774 (TA01-014) – Zoning Bylaw Text Amendment

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1007/01/12/11 THAT Bylaw No. 8774 be read a first time.

Carried

- 7.4 Bylaw No. 8775 (Z01-1046) – William Halton – 318 Aspen Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1008/01/12/11 THAT Bylaw No. 8775 be read a first time.

Carried

Regular Meeting

December 11, 2001

- 7.5 Bylaw No. 8776 (OCP01-010) – Marlene Collinson (William Collinson) – 551 Sherrydale Crescent **requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1009/01/12/11 THAT Bylaw No. 8776 be read a first time.

Carried

- 7.6 Bylaw No. 8777 (Z01-1043) – Marlene Collinson (William Collinson) – 551 Sherrydale Crescent

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1010/01/12/11 THAT Bylaw No. 8777 be read a first time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.7 Bylaw No. 8723 – Okanagan Mission Community Hall Association Loan Authorization Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Given

R1011/01/12/11 THAT Bylaw No. 8723 – Okanagan Mission Community Hall Association Loan Authorization Bylaw, Bylaw No. 8724 - Okanagan Mission Community Hall Association Agreement Authorization Bylaw, and Bylaw No. 8725 - Okanagan Mission Community Hall Association Lease Authorization Bylaw be deferred to the same agenda that Development Variance Permit Application No. DVP01-10,066 (Okanagan Mission Community Hall Association), which was also deferred, is rescheduled to for further consideration by Council..

Carried

- 7.8 Bylaw No. 8724 – Okanagan Mission Community Hall Association Agreement Authorization Bylaw

See resolution under agenda item No. 7.7.

- 7.9 Bylaw No. 8725 – Okanagan Mission Community Hall Association Lease Authorization Bylaw

See resolution under agenda item No. 7.7.

- 7.10 Bylaw No. 8778 – A bylaw to amend Sewerage System User Bylaw, 1972, No. 3480

Moved by Councillor Day/Seconded by Councillor Hobson

R1012/01/12/11 THAT Bylaw No. 8778 be adopted.

Carried

8. REMINDERS - Nil.

Regular Meeting

December 11, 2001

9. TERMINATION

The meeting was declared terminated at 12:24 a.m.

Certified Correct:

Mayor

City Clerk

BLH/am