

Regular MeetingAugust 27, 2002

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, August 27, 2002.

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; Subdivision Approving Officer, R.G. Shaughnessy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:00 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, August 12, 2002
Public Hearing, August 13, 2002
Regular Meeting, August 13, 2002

Moved by Councillor Given/Seconded by Councillor Nelson

R759/02/08/27 THAT the Minutes of the Regular Meetings of August 12, 2002 and August 13, 2002 and the Minutes of the Public Hearing of August 13, 2002 be confirmed as circulated.

Carried

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

5. PLANNING

5.1 Planning & Development Services Department, dated August 2, 2002 re: Development Variance Permit Application No. DVP01-10,087 – Aberdeen Holdings Ltd. (Grant Maddock/Protect Consultants Ltd.) – Guisachan Road at Burtch/Byrns Roads

Councillor Day declared a conflict of interest because direct family members own adjoining property and left the Council Chamber at 7:02 p.m.

Staff:

- The property was recently zoned to RU5 – Bareland Strata Housing to facilitate a 251-lot bareland strata subdivision in a modular housing form, developed in 11 phases.
- The requested Development Variance Permit would allow for side yard setbacks similar to the side yard setback requirements of the RU3 – Small Lot Housing zone.
- The proposed landscaping will provide a significant degree of visual interest between the rear yards of the residences.

Regular Meeting

August 27, 2002

- The Advisory Planning Commission did not recommend support because they found the applicants' reason for increasing the number of lots not acceptable.
- Staff support the application and will monitor its acceptance into the marketplace to determine if ultimately the RU5 side yard building setbacks should be amended accordingly.
- The speed limit allowed in conventional single family subdivisions is 50 km/h if the road is unsigned. In bareland strata subdivisions, the speed limit is restricted to maximum 20 km/h.

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 Hobson/Seconded by Councillor Blanleil

R760/02/08/27 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,087; Protech Consultants (1989) Ltd.; Lot 4, DL 136, O.D.Y.D., Plan 1562 Exc. Plans 41601 and KAP46155, located on Burtch Road, Kelowna, B.C.;

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

Section 13.5.5(f) Development Regulations to reduce the sum of both side yards on a bareland strata lot from 3.0 m required to 2.4 m proposed for internal bareland strata lots, and where a bareland strata lot abuts a internal roadway the setback shall be a minimum of 1.2 m from the flanking roadway and the sum of both side yards shall be not less than 2.4 m;

AND 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

Councillor Day returned to the Council Chamber at 7:13 p.m. and took his place at the Council Table.

5.2 Glenmore Store Ltd. (Clive McKenzie/Turik McKenzie Architects Inc.) – 1014 Glenmore Drive

Staff:

- In response to concerns raised at the Public Hearing, the applicant has modified his plans to provide for a different version of a hammerhead turnaround to the lane. The required land for extension of the lane to Mountain Avenue will be protected in order to retain the extension as a future option. If the lane ever is extended to Mountain Avenue, staff have committed to consult with the neighbourhood first.
- Knock-down bollards or a gate would be installed at the end of the hammerhead lane to allow for emergency access and a key would be provided for the resident with the long travel trailer for the times when he would need to open the access to move his trailer. Apparently the frequency of that is maybe 6 or 7 times a year. If the other residents needed it, they too would be granted access privileges.
- A sidewalk would be provided from Mountain Avenue to the park site.

Regular MeetingAugust 27, 2002

- To address concerns about the drive-thru, the design has been altered so that the sidewalk would be adjacent to the curb line on Mountain Avenue and that has increased the boulevard area between the sidewalk and the property. The applicant has committed to construct a 5 ft. high block concrete wall to further screen the drive-thru so the total area available for landscaping between the sidewalk and the block fence would be approximately 6.5 metres. Staff have received confirmation from the 2 property owners who were most vocal about concerns about the drive-thru that the proposed changes have addressed their concerns and they now support the application.
- A low cedar hedge will be planted in the front yard of the property directly across from the lane to screen them from headlights.
- The applicant agreed, at the Public Hearing, to extend the hedging along the one section of the lane as requested by one of the people at the Public Hearing.
- Speed bumps could be easily incorporated into the lane, but that is not a requirement of this application.
- With the changes to the site plan, variances are no longer required. The Clerk's Department has sent out notices to the public to inform them of that.

Council:

- Consider posting a No Thru Road sign on the lane entrance from Highland Drive North.

(a) **BYLAW PRESENTED FOR ADOPTION**Bylaw No. 8883 (Z02-1021)Moved by Councillor Blanleil/Seconded by Councillor Cannan**R761/02/08/27** THAT Bylaw No. 8883 be adopted.Carried

Councillor Clark opposed.

(b) Development Permit Application No. DP02-0040 (report dated August 20, 2002)

Staff:

- The artist's rendering shows a high quality Victorian style project in 2 buildings.
- Now that the zoning has been adopted, Council can be told that it was the owners of 1856 and 1866 Mountain Avenue that sent in the letters saying their concerns have been addressed and they now support this project.
- The area between the sidewalk and block wall adjacent to the drive-thru would be landscaped to the same standards as is shown along the Glenmore frontage.
- The covenant has already been registered to limit the commercial floor area to what would be permitted in the neighbourhood commercial zone and restrict the site from being developed other than as shown in the Development Permit.

Regular MeetingAugust 27, 2002Moved by Councillor Hobson/Seconded by Councillor Day

R762/02/08/27 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0040; for Lot 4, Sec. 29, Twp. 26, O.D.Y.D., Plan 7943, located on Glenmore 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;
5. The applicant register road exchange to address closed lane adjacent to Glenmore Drive and highway reserve for future lane to Mountain Avenue;

AND 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(c) Development Variance Permit Application No. DVP02-0041

Withdrawn from the agenda – variances no longer required by the applicant.

5.3 530751 BC Ltd. (Point of View) – (Alvin Fritz/Alvin Reinhard Fritz Architect Inc.) – 1128 Sunset Drive

(a) Development Permit Application No. DP02-0047 (report dated August 20, 2002)

Staff:

- The property was originally intended to be the second phase of the Lagoons project and a Development Permit was approved in 1993 for a 16-storey tower with townhouses around the tower and along Sunset Drive but that did not proceed.
- If the subject application is not approved the applicant could build what was approved in 1993.
- The applicant wishes to continue on with the same style of development but this project would be totally separate from the Lagoons, with separate amenity facilities and parking. Also, zoning regulations have changed to permit a higher density and the proposal is now for development of a 21 storey tower with townhouses along Sunset and the waterfront.

Regular Meeting

August 27, 2002

Larry Kelly, Vice President and CEO of Pointe of View:

- Discovery Bay was so successful they decided to acquire more land. Started marketing this proposal (Discovery Pointe) on May 11th and public interest was amazing. Approx. 80% of the development has been reserved by the home-buying public.
- The amenity areas will be separate from the Lagoon residents' amenity areas but there will be an opportunity for cross use. The parking area will be separate too and access/egress to the parkades will also be separate.

Al Fritz, project architect:

- Explained the geometry of the buildings and clarified each of the waivers.
- The only way to achieve the permitted 1.9 floor area ratio was to go up and thus the additional 4 floors with the loft above.
- Daylight angles can be achieved both on the water side and the Sunset Drive side and the only waiver of the daylight angles is on the side next to Discovery Bay which is their own development.
- The requested parking variance is based on precedent from other projects in Calgary that Pointe of View has created.
- Parking is all contained within the building.
- One storey townhouses are proposed along Sunset Drive (the 1993 Development Permit indicated 2 storey units along Sunset) and 3-storey with lofts along the waterfront.
- The same amenity area would be provided above the 2 level parkade, with swimming pool and tennis courts, etc., as is over the parkade at the Lagoons.
- Showed a computer animation of how the proposed development would fit in with the existing waterfront development.

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

Jeff Smith, 954 Manhattan Drive:

- Concerned about the impact of the side yard variances on the view for pedestrians at street level.
- Concerned that there will not be adequate on-site parking and that more vehicles will end up parking on Sunset and Manhattan Drives.
- Opposed to the 21 storey height of the tower.

The City Clerk advised that one piece of correspondence was received regarding this application and it was an unsigned letter which Mr. Smith has confirmed was his.

Al Fritz, project architect:

- Clarified that the Lagoons was always designed with a zero setback between buildings because it was originally contemplated as one development.
- The variance on the north side is for the portico feature which is 4 posts and a roof for an entrance and so does not compromise openness to the view beyond.
- The request for reduced parking is based on experience which has shown that it is the condo owners that require more parking not resort type buildings.

Regular MeetingAugust 27, 2002

Larry Kelly, Vice President and CEO of Pointe of View:

- The project includes a state of the art thermal exchange system relatively new to North America for heating in the winter and cooling in the summer.
- The management agreement requires owners to vacate their parking stall if they put their unit in the rental pool.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R763/02/08/27 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0047; for Lot 1, DL 139 & 3454, O.D.Y.D., Plan KAP48963, located on Sunset 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;
5. The applicant register a plan of subdivision to create the waterfront lagoons as a separate lot and transfer title to City of Kelowna;
6. The applicant register a reciprocal access easement and statutory right of way for public and emergency access over the waterfront promenade.

Carried

- (b) Development Variance Permit Application No. DVP02-0048
(report dated August 13, 2002)

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R764/02/08/27 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0048; Alvin Reinhard Fritz Architect Inc.; Lot 1, DL 139 & 3454, O.D.Y.D., Plan KAP48963, located on Sunset Drive., Kelowna, B.C.;

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

1. Section 6.1.2(c) – **General Development Regulations – Daylighting Standards**, to vary the daylighting angle to the north side of the proposed building from maximum 65° permitted to the 80° proposed;
2. Section 8.1.2 **Parking and Loading – Number of Spaces**, to vary the number of parking stalls from 196 stalls required to 175 stalls proposed;

Regular MeetingAugust 27, 2002

3. Section 13.12.5(b) **Development Regulations**, to vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from a maximum of 50% permitted to 74.4% proposed;
4. Section 13.12.5(c) **Development Regulations**, to vary the maximum building height from the lesser of 55 m or 16 storeys permitted, to 68.5 m or 21 storeys proposed;
5. Section 13.12.5(d) **Development Regulations**, to vary the front yard from 6.0 m required to 5.0 m proposed;
6. Section 13.12.5(e) **Development Regulations**, to vary the south side yard from the minimum 4.5 m required to 0.0 m proposed to existing parkade structure;
7. Section 13.12.5(e) **Development Regulations**, to vary the north side yard from the minimum 4.5 m required to 1.5 m proposed to Porte Cochere feature.

Carried6.0 BYLAWS**(BYLAWS PRESENTED FOR FIRST 3 READINGS)**

- 6.0.1 Bylaw No. 8885 – Road Exchange Bylaw – 759 Dehart Road (Westpoint Drive)

Moved by Councillor Nelson/Seconded by Councillor Given**R765/02/08/27** THAT Bylaw No. 8885 be read a first, second and third time.Carried

- 6.0.2 Bylaw No. 8902 – Road Exchange Bylaw – 5440 Chute Lake Road

Moved by Councillor Clark/Seconded by Councillor Shepherd**R766/02/08/27** THAT Bylaw No. 8902 be read a first, second and third time.Carried6. REMINDERS – Nil.7. TERMINATION

The meeting was declared terminated at 8:54 p.m.

Certified Correct:_____
Mayor_____
City Clerk

BLH/am