

Regular MeetingJuly 8, 2003

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, July 8, 2003.

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, E.A. Horning and S.A. Shepherd\*.

Staff members in attendance were: City Manager, R.A. Born; Deputy 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 9:57 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 23, 2003  
Public Hearing, June 24, 2003  
Regular Meeting, June 24, 2003

Withdrawn – added to July 7, 2003 morning Regular Meeting agenda.

4. Councillor Cannan 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. 9016 (Z03-0021a) – Willcliff Holdings Ltd. (RJ McMasters Pub)  
– 1992 Dilworth Drive

Bylaw not considered. Public Hearing still open on this application.

5.2 Bylaw No. 9017 (Z03-0021b) – MS Development Inc. (Yamas) – 1630 &  
1654 Ellis Street

Bylaw not considered. Public Hearing still open on this application.

5.3 Bylaw No. 9018 (Z03-0021c) – R93 Enterprises Ltd. (Hotel Eldorado) –  
500 Cook Road

Bylaw not considered. Public Hearing still open on this application.

5.4 Bylaw No. 9019 (Z03-0021d) - K & J Noble Holdings Ltd. (Willow Inn) –  
235 Queensway Avenue

Bylaw not considered. Public Hearing still open on this application.

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- 5.5 Bylaw No. 9020 (Z03-0021e) – Corrigan (Waterfront Wines) – 1180 Sunset Drive

Bylaw not considered. Public Hearing still open on this application.

- 5.6 Bylaw No. 9021 (Z03-0021f) – Bill-Ed Logging Ltd. et al (Prestige Inn) – 1675 Abbott Street

Bylaw not considered. Public Hearing still open on this application.

- 5.7 Bylaw No. 9022 (Z03-0021g) – 475872 BC Ltd. (Gotchas) – 238 Leon Avenue

Bylaw not considered. Public Hearing still open on this application.

- 5.8 Bylaw No. 9023 (Z03-0021h) – Lextaur Properties Inc. (Senior Frogs) – 274 Lawrence Avenue

Bylaw not considered. Public Hearing still open on this application.

- 5.9 Bylaw No. 9024 (Z03-0021i) – Grand Okanagan Resort – 1310 Water Street

Bylaw not considered. Public Hearing still open on this application.

- 5.10 Bylaw No. 9025 (Z03-0021j) – Northland Properties Ltd. (Sandman Hotel) – 2130 Harvey Avenue

Bylaw not considered. Public Hearing still open on this application.

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.11 Bylaw No. 8960 (TA02-0007) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Cannan/Seconded by Councillor Day

**R617/03/07/08** THAT Bylaw No. 8960 be read a second and third time, and be adopted.

Carried

- 5.12 Bylaw No. 8980 (Z03-0007) – Various Properties (City of Kelowna)

Councillor Shepherd declared a conflict of interest because one of the subject properties, Pheasant & Quail Pub, is immediately adjacent to a property that she is part owner of and left the Council Chamber at 9:58 p.m.

Mayor Gray declared a conflict of interest because a distant relative has involvement with the future VQA wine store at Orchard Plaza and left the Council Chamber at 9:58 p.m.

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Deputy Mayor Hobson assumed the Chair.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R618/03/07/08** THAT Bylaw No. 8980 be read a second and third time, and be adopted.

Carried

Mayor Gray and Councillor Shepherd returned to the Council Chamber at 10:00 p.m. Mayor Gray resumed the Chair.

5.13 Bylaw No. 9052 (Z03-0018) – Jacob & Irene Welder – 1299 Rodondo Place

Moved by Councillor Day/Seconded by Councillor Cannan

**R619/03/07/08** THAT Bylaw No. 9052 be read a second and third time, and be adopted.

Carried

## 6. PLANNING

6.1 Planning & Corporate Services Department, dated June 2, 2003 re: Development Permit Application No. DP03-0027 and Development Variance Permit Application No. DVP03-0028 – Hillcrest Okanagan Projects Inc. (Pointe of View Marketing BC Ltd.) – 3101 Country Club Drive

Staff:

- The applicant is proposing to construct two 4-storey buildings with a total of 118 units of apartment housing. The form and scale of the proposed development is consistent with the original Area Structure Plan for the Quail Ridge area.
- Variances are required to reduce the overall parking requirement for the two buildings and also for minor setback variances.
- Council received a letter of concern dated June 24<sup>th</sup> from the president of GolfBC Holdings Inc., however, a more recent letter was submitted just this afternoon clarifying their position regarding the project.

The Deputy City Clerk stated for the record that the following correspondence had been received:

- letter from Golf BC Holdings Inc. owners of the Quail Golf Course, stating no objection in principle but concern about the proposed setbacks and parking requirements.
- Letter from GolfBC Holdings Inc. saying they have met with the applicant and now have no concerns about the project.

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

John O'Brien, 3179 Via Centrale

- Representing the 12 owners in his strata council. Their concerns are regarding parking which is already a problem in their neighbourhood. Would like at least the minimum parking requirement of 174 spaces and parking at a ratio between 1.47 and 1.9 would be preferred.
- Read an announcement that was delivered to his home on the weekend advising that this project *will* receive final approval by Council tonight and wondered if the approval is already a done deal.
- The Borgatta only has 47 units and 56 parking stalls and overflow parking is already a problem and so is a perfect example that the proposed parking ratio is not enough. With 118 new units dumping their overflow parking into the same private roadway traffic will be a nightmare. The small parking lot where the Borgatta's overflow vehicles are parking will soon disappear and other cars are already parking on the private lanes in the area.

Staff:

- Clarified that Via Centrale is a common lot road. Beyond that, to the east, the road exists as easements and rights-of-way.
- The Borgatta was originally built as a hotel and it was never intended to provide permanent residency for anyone, however, the original owners found that they could not market the project as a hotel.

Kathryn Fontaine, 3185 Via Central:

- Speaking as an owner of 2 units in the Borgatta and also as president of the strata board in that development.
- It is the long-term parking that is causing the problems at the Borgatta. Explained how the Borgatta is dealing with their parking problem by having a lottery – people pay on a monthly basis for a second parking stall.
- The biggest problem is the overflow parking from the golf course when there is a major event. Vehicles park on their brick patio parking lot and with the proposed new units there will be even less room to park and even more vehicles will be parking there. Also concerned that with too much weight on the brick parking lot a vehicle could fall through.
- This community did not envision the parking problems they are experiencing.
- Has heard that the proposed apartment housing will be long-term not short term rental units so anticipate that there will likely be 2 to 3 vehicles per unit.

Neil Green, 3179 Via Centrale,

- There is not enough parking now.
- The Borgatta has 56 stalls. Each unit is assigned 1 parking stall and so even if the parking lot is empty if a resident has two cars the second vehicle has to be parked on the street.
- Wants no less than 174 stalls but would prefer more; two stalls per unit should be a prerequisite for apartments with long term tenants.

Larry Kelly, CEO of Pointe of View (applicant):

- This would be Phase 1 of \$80 million of proposed construction at Quail Ridge.
- There is a letter from the community association in support of this development.
- If there are issues with parking in future, there is sufficient space on the lands that Pointe of View owns further to the south to accommodate the additional parking needs in a proximity that is convenient. Would also be willing to make some of that land available to resolve the parking problems now being experienced in the neighbourhood.
- The proposed parking ratio is 1.3 (152 stalls), including the visitor parking. Confident (based on 25 years of developing multi-family homes in Western Canada) that parking needs will be met for this development, and that any issues that violate the parking requirements within the development can be handled by the strata management personnel that are on-site or by the strata board itself.
- Preserving as many trees as possible and the trees that are replanted will be at least 8 feet tall.

Moved by Councillor Blanleil/Seconded by Councillor Horning

**R620/03/07/08** THAT Council authorize the issuance of Development Permit No. DP03-0027, located on Country Club Drive, Lot 4 and an undivided 1/3 share in Lot 2, Section 14 & 15, Township 23, ODYD, Plan KAP54660, 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 be required to release the existing R3 zoning covenant and register the RM5 – Medium Density Multi-Family zoning designation as outlined in Zoning Bylaw 8000 as a covenant on title;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0028, located on Country Club Drive, Lot 4 and an undivided 1/3 share in Lot 2, Section 14 & 15, Township 23, ODYD, Plan KAP54660, Kelowna, B.C.;

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

**Section 13.11.5(f) – RM5- Medium Density Multiple Housing:**

- A variance to allow the northeast corner of the Building 2000 to project 0.77 m into the required 9.0 m rear yard;
- A variance to allow the southwest corner of Building 2000 to project 0.5 m into the required 7.5 m side yard;

**Section 6.4.2 – Projections Into Yards:**

- A variance to allow the patios/balconies at the northwest corner of the building to project 1.2 m into the required 6.0 m front yard where a projection of only 0.6 m is permitted;

**Section 8.1 – Parking & Loading – Table 1: Parking Schedule:**

- A variance to allow 152 parking spaces (135 tenant and 17 visitor parking spaces) where 174 parking spaces (157 tenant and 17 visitor) are 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

Councillors Cannan and Clark opposed.

7.0 RESOLUTIONS

- 7.0.1 Draft Resolution re: Transfer of Liquor Primary (Stadium) Liquor Licence from Apple Bowl to Waterfront Park for 2003 Wakefest Event

Moved by Councillor Horning/Seconded by Councillor Day

**R621/03/07/08** THAT Council, having received and considered the background information provided by staff, endorses the temporary extension of the licensed area of the City's existing Liquor Primary (Stadium) License from the Kelowna Apple Bowl Stadium, to Waterfront Park during the 2003 Wakefest Event to be held on July 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup>, 2003;

AND THAT Council directs staff to forward the appropriate resolution to the Liquor Control and Licensing Branch.

Carried

7. BYLAWS

**(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 9054 (OCP03-0009) – Glenwest Properties (Paul Rosenau/ Ekistics Town Planning Inc.) – Glenmore Highlands requires majority vote of full Council (5)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R622/03/07/08** THAT Bylaws No. 9054, 9055 and 9056 be read a first time.

Carried

Councillor Hobson opposed.

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- 7.2 Bylaw No. 9055 (TA03-0007) - Glenwest Properties (Paul Rosenau/ Ekistics Town Planning Inc.) – Glenmore Highlands

See resolution under 7.1 above.

- 7.3 Bylaw No. 9056 (Z02-1061) - Glenwest Properties (Paul Rosenau/Ekistics Town Planning Inc.) – Glenmore Highlands

See resolution under 7.1 above.

- 7.4 Bylaw No. 9057 (HRA03-0001) - Heritage Revitalization Agreement – Cheryl & David Negrin – 2094 Abbott Street

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R623/03/07/08** THAT Bylaw No. 9057 be read a first time.

Carried

Councillors Hobson and Shepherd opposed.

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.5 Bylaw No. 9010 – Road Exchange Bylaw – 5920 Chute Lake Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R624/03/07/08** THAT Bylaw No. 9010 be read a first, second and third time.

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 11:11 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

BLH/bn