

Regular Meeting – P.M.October 18, 2004

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 Monday, October 18, 2004.

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; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Director of Financial Services, P.A. Macklem\*; Director of Works & Utilities, J. Vos\*; Manager of Development Services, A.V. Bruce\*; Special Projects Planning Manager, H.M. Christy\*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen\*; Recreation Manager, R. Oddleifson\*; Revenue Supervisor, G. Davidson\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:34 p.m.

2. Councillor Blanleil was requested to check the minutes of the meeting.

Mayor Gray altered the order and said 4.1 would be next.

4.1 Recreation Manager and Wendy Falkowski, Chair, 2005 Kelowna Centennial Celebrations Committee re: 2005 Kelowna Centennial Celebrations (0330-20)

Wendy Falkowski, Chair, 2005 Kelowna Centennial Celebrations Committee:

- Presented each member of Council with a vest with the official games logo on it.

Staff:

- Power point presentation of the events and promotions proposed throughout the 2005 centennial year.

3. DEVELOPMENT APPLICATION REPORTS

3.1 (a) Planning & Corporate Services Department, dated October 8, 2004 re: Rezoning Application No. Z04-0056 – John, Anne & Sharon Bulych (James and David Kornell/Pacific Sun Enterprises Ltd.) – 1862-1872 Chandler Street (BL9317)

Staff:

- The applicant is proposing to demolish the existing building on the subject property and relocate the building that is being used as a halfway house from across the street to the subject property.
- Parking would be provided in the rear of the building.
- An appraisal report indicates that moving the facility across the street would have no detrimental impact on the abutting properties.
- If this rezoning is successful, the property on which the halfway house is currently located would be consolidated with the adjacent Stillwaters Private Hospital property. If this rezoning application is not successful, the halfway house would remain in its current location.

Regular Meeting – P.M.October 18, 2004Moved by Councillor Hobson/Seconded by Councillor Day

**R977/04/10/18** THAT Rezoning Application No. Z04-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, DL 137, ODYD, Plan 10011, located on Chandler Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing to RU6b – Two Dwelling Housing with Boarding House zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9317 (Z04-0056) – John, Anne & Sharon Bulych  
(Pacific Sun Enterprises Ltd.) – 1862-1872 Chandler Street

Moved by Councillor Horning/Seconded by Councillor Given

**R978/04/10/18** THAT Bylaw No. 9317 be read a first time.

Carried

- 3.2 (a) Planning & Corporate Services Department, dated October 14, 2004 re: Rezoning Application No. Z04-0063 – Gazelle Enterprises Inc. and Green Projects Ltd. – 570 Sarsons Road and 4388 Lakeshore Road (BL9318)

Councillor Hobson declared a conflict of interest because of past history between the subject property and his family property and left the Council Chamber at 2:08 p.m.

Councillor Shepherd declared a conflict of interest because direct family members live across from the subject property and left the Council Chamber at 2:08 p.m.

## Staff:

- The number of residential units indicated in the staff report were based on a concept plan that has since been updated and the numbers have now changed. The overall number of units is down to 147 units instead of 180 as indicated in the report.
- The intent is to develop the two properties with a mix of duplexes and apartment units. The duplex housing would be along the boundary abutting the existing single family residential housing. A 2-storey walk-up apartment building is proposed along Sarsons Road increasing to 2.5 storeys at Lakeshore Road and then increasing to 3 storeys as it moves away from Lakeshore Road and into the site.
- The majority of the parking for the apartment buildings would still be underground.
- Issues are yet to be resolved surrounding the road connection that is indicated in the concept plan between Sarsons Road and Edinburgh Court.
- The land use designation is consistent with the Official Community Plan.
- The Advisory Planning Commission passed a recommendation of support.

Regular Meeting – P.M.October 18, 2004Moved by Councillor Given/Seconded by Councillor Blanleil

**R979/04/10/18** THAT Rezoning Application No. Z04-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road and Sarsons Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9318 (Z04-0063) – Gazelle Enterprises Inc. and Green Projects Ltd. – 570 Sarsons Road and 4388 Lakeshore Road

Moved by Councillor Given/Seconded by Councillor Horning

**R980/04/10/18** THAT Bylaw No. 9318 be read a first time.

Carried

Councillors Hobson and Shepherd returned to the Council Chamber at 2:13 p.m.

3.3 Planning & Corporate Services Department, dated October 5, 2004 re: Development Permit Application No. DP04-0096 – Pointe of View Condominiums (Quail) Inc. – 3168-3178 Via Centrale

Staff:

- The property is under subdivision application to create three parcels. The other two parcels have already been approved for development. This application is for development of the middle parcel with two buildings, each with underground parking that would be accessed off Country Club Drive.
- Showed building elevations indicating that significant regrading of the site would be required.
- The Quail Ridge development plan envisaged this property for a hotel site. The proposed apartment/hotel would allow for either long term residential or short term tourist accommodation rentals.
- The proposal includes an outdoor pool area and other amenities including walking trails that would link up with other areas within Quail Ridge.
- The Advisory Planning Commission recommends support.
- No variances are required.

Regular Meeting – P.M.

October 18, 2004

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R981/04/10/18** THAT Council authorize the issuance of Development Permit No. DP04-0096, located on Via Centrale, Lot 4 and an undivided 1/3 share in Lot 2, Sec. 14 & 15, Twp. 23, ODYD, 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 zoning covenant and register the C9 – Tourist Commercial zoning designation as outlined in Zoning Bylaw 8000 as a covenant on title;
6. Any retaining wall, other than natural cut banks, must not exceed a height of 1.2 metres measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.2 metre horizontal separation between them as per Section 7.5.7 of Zoning Bylaw 8000;

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

- 3.4 Planning & Corporate Services Department, dated October 7, 2004 re: Development Permit Application No. DP04-0111 – Mission Shores Developments (David Tyrell Architect Inc.) – 549, 557, 565 Glenmore Road

Staff:

- The application includes three properties at the corner of Yates and Glenmore Road that were zoned R4 under Zoning Bylaw No. 4500 which allowed for 3-storey buildings. In the transition between Bylaw 4500 and the new Zoning Bylaw No. 8000, the designation of all properties that were zoned R4 changed to RM5 resulting in a slight increase in permitted density and building height.
- The applicant proposes to consolidate the properties and develop the site with eight 4-storey apartment buildings. Six of the buildings would be similar in layout; the two buildings in the centre of the site would have similar architectural features and appearance but would be smaller in size.
- The proposal provides for underground parking. Much of the space not occupied by buildings would be open space.

Regular Meeting – P.M.October 18, 2004

- The applicant made revisions to the exterior treatment of the buildings subsequent to the application being considered by the Advisory Planning Commission. The two smaller buildings would be entirely cedar shake siding and the other six buildings would have cedar shake siding on a lot of the bump-out features.
- Displayed computer renderings showing the architectural features.
- The project is designed to appeal to first home buyers and empty nesters.
- There would be in excess of 400 units in the eight buildings.
- The proposed building height and setbacks meet the requirements of the RM5 zone.
- Clarified that since the properties are already zoned, density and land use are not issues subject to Council discussion today. The Development Permit is to address issues to do with general design, form and character.

Staff, in response to questions of Council:

- No variances are being requested by the applicant.
- The Advisory Planning Commission does not recommend support.
- The Glenmore-Ellison Irrigation District has not indicated that provision of water to the site would be a problem. Standards would have to be proven out and that would be a condition of the building permit.
- Number of units is regulated by the available floor space.
- The applicant has assured staff that he understands the risk he is taking by proceeding with construction of the sales centre in advance of Council approval of the Development Permit. The sales centre is on the portion of the site where the last building is proposed.

Moved by Councillor Hobson/Seconded by Councillor Day

**R982/04/10/18** THAT Council hear from the developers.

Carried

John Friesen, applicant:

- The target market for the project is the 25-38 year demographic group; empty nesters or people recently widowed or become single, not families with children.
- Have determined there is a need for this type of housing in Kelowna.
- This would not be social housing – it would be high quality market housing for profit.
- Since the Advisory Planning Commission meeting, about 30% of the siding has been changed from vinyl to shingle siding; trellising has been added on the east side of those buildings facing Sandpointe and he has agreed to pay to replace the fence along the common boundary with Sandpointe.

Ron Campbell, EBA Engineering Consultants (geotechnical engineer):

- EBA has been in Kelowna for 20 years and has done numerous applications up and down Glenmore Road. The site under application has typical soil and ground water conditions including clay. From a geotechnical engineering perspective, sees no reason why the development could not be constructed as proposed without impacting nearby residents.

Grant Maddock, Protech Consultants, civil engineer:

- Protech has been in Kelowna for 35 years. The water, sewer and storm water services are all available to the subject property and all are within City standards today. Storm water would be discharged into the Brandt's Creek storm network at a predetermined rate.

Regular Meeting – P.M.

October 18, 2004

John Friesen, applicant:

- People in the community believe that development of the site with housing for young people would be inappropriate because the surrounding neighbourhood is a retirement community. Hopefully we can evolve past that kind of thinking.

David Tyrell, architect:

- Showed photos of the existing development on all sides of the subject property.
- The proposed 4-storey buildings would be very shallow in comparison with the existing buildings. All parking would be below grade and 29 more stalls would be provided than required by bylaw. Landscaping requirements are also exceeded because of no at-grade parking. Showed photos of other projects that are similar in nature.
- The proposed development meets or exceeds all requirements of the RM5 zoning. The development would include a landscaped berm along Glenmore Road, fenced private yards for the ground units, a contained pet park, an outdoor barbeque meeting area, sports lawn, swimming pool, change area, and natural sand area for a volleyball court.

The Acting City Clerk clarified for Council what their options are, having deviated from normal procedure to hear from the developers on this application.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R983/04/10/18** THAT Council accept presentations from the public gallery.

Carried

Margaret Brillinger, president of Sandalwood Strata Council, 550 Yates Road:

- Concerned about the traffic that would be generated by this development with the already high traffic flow. The additional traffic would also impact the safety of pedestrians.
- Concerned about the impact of the proposed development on the subterranean water flow on neighbouring properties.
- There is not enough process water available from GEID to support a development of this magnitude.
- The architectural design is not compatible with the character of the surrounding area.
- Should send it back to the developer for something more acceptable to the neighbourhood.
- Would prefer to see a taller building in the middle and graded down with a lower building adjacent to abutting residential property.

Councillor Day left the meeting at 3:59 p.m.

Barry Gordon, president of Sandpointe Strata Council, 595 Yates Road:

- The developer has agreed to provide interface buffering for Sandpointe.
- Concerned that the look of the proposed development is not right for the neighbourhood; it should be more like the existing neighbourhood.
- The traffic flow that would be generated was not anticipated 10 years ago when the rezoning was adopted. A traffic study should have been required with this application.
- Would like the technical issues regarding ability to handle the amount of traffic and the availability of water addressed before anything else proceeds.
- The traffic issue is not with Glenmore Road, it is with Yates Road, and it is not the width that is of concern it is how vehicles get on and off Yates Road.

Regular Meeting – P.M.

October 18, 2004

Cornell Zarms, vice-president Sandalwood Strata Council, 550 Yates Road:

- Would like the developers to draw the existing Sandalwood buildings and the proposed Verve buildings onto a map – both are RM5 development.
- Have to take into consideration the residents of the existing neighbourhood.
- The developers want to be good neighbours yet they did not show up to the Town Hall meeting.

Bill Cameron, resident of Sandalwood:

- Does not want to be prejudiced, but does not agree with having young people in this retirement area.
- Has been attending the AGM meetings of the GEID for years and has never seen either of the two strata presidents at the meetings, despite their concerns about water supply.

Michael Wendland, 305-307 Whitman Road:

- Recently bought at Brandt's Crossing. There are people in that development between the age of 20 and 70 and the synergy is good.
- Loves the style of what is proposed and would consider buying there. It is difficult to get into the housing market for under \$200,000 so this is great.
- Suggested that a possible solution to traffic flow concerns might be to restrict turning movements to right turns only for vehicles exiting these developments.

Gerald Darough, resident of Sandalwood:

- The proposed development would be out of character with all of the surrounding architecture. It looks good but not where it is being proposed.
- A 4-storey building does not belong beside a 1 storey house. At least 24 houses would have a 4-storey building beside them. The proposed building should at least be stepped back.
- The Advisory Planning Commission recommends non-support yet none of their issues (institutional appearance, massing and lack of thought to harmony with other buildings) are being raised today.
- The plans show walk-ups to the at-grade units yet all parking is below grade.
- Concerned that the property slopes down probably 4-5 ft. yet the drawings show the site as being completely flat.
- Would like to see this deferred for a week to allow more people to become informed on what is proposed.
- When he bought 2 years ago, the driveway from Sandalwood was supposed to be directly across the street from the entrance to the Verve. Now the driveway has been moved.
- Concerned that the underground parking may really only be under-building parking.

Staff:

- The drawings submitted by the applicant indicate that the parkade would be fully below ground.

Ronald Brillinger, resident of Sandalwood:

- The Chair of one of the GEID sub-committees lives in Sandalwood and she keeps them informed regarding the availability of water.
- The neighbourhood may have been prepared to accept the modifications to the design of these buildings if the developer would have attended the town hall meeting. 178 residents were at the meeting but the developer chose not to come.
- Would like Council to instruct the developer to have dialogue with the residents so they can be in a position to speak as one voice.

Regular Meeting – P.M.

October 18, 2004

David Kornell, partner in the Sandalwood Resort complex:

- The form and character of the building is completely out of character with the surrounding area.
- The developer should have been required to do a traffic study and work out issues of concern with the neighbours.

John Friesen, applicant:

- Changes were made to the proposal based on input received from the president of the Sandpointe Strata Council as well as from what was learned at the Advisory Planning Commission meeting.
- Questioned the way that the town hall meeting that was held last Friday was contrived. He was away but his assistant would have gone; however when they found out they would only have 15 minutes to make their presentation and that there was not going to be an unbiased moderator, felt that the meeting would not be positive.
- Is aware of what the concerns are and feels they have made as many concessions as possible and that the form and character is handsome and satisfactory.
- It would be fruitless to meet with people who will not settle for less than 1 or 2 storey buildings when that will not happen. Has already agreed to work on buffering. Sees no point in entering in further discussions with the community.
- The site is zoned and taxes have been paid by the landowners based on that zoning.
- Is convinced that the building is beautiful as is and that it addresses the needs of the target market. The issue is that there are 414 units in 4-storey buildings and that is not for negotiation. Changes would end up in an inferior design.
- It would be possible to line up the entrance with the road across but it would mean moving the buildings closer to the fence line to make room for the new road.

Council:

- Agreed to a deferral on the understanding that they are just asking the developer to meet with a small delegation, representative of the strata councils.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R984/04/10/18** THAT further consideration of Development Permit No. DP04-0111 for Lot 3, Section 32, Township 26, ODYD Plan KAP46006; Lot 1 Section 32, Township 26, ODYD Plan KAP46006; and Lot 4, Section 32, Township 26, ODYD Plan KAP46006, located on Glenmore Road, Kelowna, B.C. (Mission Shores Developments) be deferred to the Regular Meeting of Monday, November 1, 2004 for the applicant to meet with representatives of the neighbourhood to see if further design changes can be agreed upon.

Carried

#### 4. NON-DEVELOPMENT APPLICATION REPORTS

- 4.1 Recreation Manager and Wendy Falkowski, Chair, 2005 Kelowna Centennial Celebrations Committee re: 2005 Kelowna Centennial Celebrations (0330-20)

Dealt with first on the agenda.



Regular Meeting – P.M.October 18, 2004

- 4.2 Planning & Corporate Services Department, dated October 12, 2004 re: Appointment to Kelowna Heritage Foundation Board of Directors (6800-02)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R985/04/10/18** THAT Council appoint Uldis Arajs to the Board of Directors of the Kelowna Heritage Foundation for the balance of the three year term ending December 2005.

Carried

- 4.3 Manager of Community Development & Real Estate, dated October 13, 2004 re: 'Rutland Community Connections' Initiative (0917-20-054)

Withdrawn from the agenda due to the late hour. Will be re-scheduled to the October 25, 2004 Regular Meeting agenda.

- 4.4 Director of Works & Utilities, dated October 7, 2004 re: Extension of Abbott Street Corridor (5400-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R986/04/10/18** THAT Council direct staff to bring forward a 2005 Provisional Budget submission of \$40,000 to allow for a pre-design study to determine costs and other implications for the extension of the Abbott Street Recreational Corridor to Gyro Beach.

Carried

- 4.5 Director of Financial Services, dated October 12, 2004 re: 2005 Tax Exemption Bylaw No. 9314

Moved by Councillor Hobson/Seconded by Councillor Given

**R987/04/10/18** THAT Bylaw No. 9314, a bylaw under sections 220, 224 and 225 of the Community Charter to provide exemption from taxation for the year 2005, include the following property changes in addition to those set out in Schedules A through D of the 2004 Tax Exemption Bylaw No. 9104:

Schedule A:

1. *Add* Roll No. 10937.308, Lot 1, Plan KAP72953, (4091 Lakeshore Rd) – Lutheran Church-Canada The Alberta-British Columbia District;
2. *Delete* Roll No. 73535, Lot 8, Sec. 20, Twp. 26 Plan 32159 (1575 Bernard Avenue) – First Lutheran Church of Kelowna;

Schedule B:

1. *Add* Roll No. 10937.308, Lot 1, Plan KAP72953, (4091 Lakeshore Rd) – Lutheran Church-Canada The Alberta-British Columbia District. School;

Schedule C:

1. *Change* Roll No. 77062, Lot 1, Plan 42511, (1304 Ellis Street), City of Kelowna - Museum leased to Kelowna Centennial Museum Association and sub-lease holders;  
Non-Exempt areas - Delete Julie Cosgrave and Event Publications  
- Add Accuzone Systems Corp. and Maverick Real Estate Corp.;

Regular Meeting – P.M.October 18, 2004Schedule D:

1. *Add* Roll No. 5763.000, Lot 4, Plan 5494, (140 Dougall Rd N) – Rutland Auxiliary Gift Shop, (Kelowna General Hospital Foundation);
2. *Add* Roll No. 16620, Lot 8, Plan 1303, (1265 Ellis Street) – The Kelowna Community Food Bank Society;
3. *Add* Roll No. 37220, Lot 4, Plan 4921, (1098 Richter Street) – The Badminton Club;
4. *Add/Change* Roll No. 16670, Lot 16, Plan 1303, (1272 St Paul Street) – Kelowna Yoga House Society. Add second studio. Class 06 land and improvement formerly a non-exempt rental house is now a 2<sup>nd</sup> yoga studio;
5. *Delete* Roll No. 78779, Lot A, Plan KAS52605, (1720 Ethel Street) – New Opportunities for Women (NOW) Canada Society;
6. *Add* Roll No. 7270, Lot 4, Plan 635, (628 630 Cadder Ave.) – Okanagan Families Society;
7. *Add* Roll No. 6370.273, Lot 19, Plan 23749, (1330 1332 Sylvania Cres.) – KI-LOW-NA Friendship Society;
8. *Delete* Roll 5475.126, Lot 2, Plan 18642 (140-146 Gray Road) formerly Mental Health Association;

AND THAT 2005 Tax Exemption Bylaw No. 9314 be advanced for first three reading consideration by Council.

Carried

- 4.6 Acting City Clerk, dated October 12, 2004 re: Alternative Approval Process – Terasen Gas Inc. Legacy Opportunity – 2003 Additions (2240-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R988/04/10/18** THAT Council receive the Certificate of Sufficiency dated October 12<sup>th</sup>, 2004 pertaining to the City's option to lease the 2003 natural gas distribution system capital additions within the City boundaries under the same basic terms and conditions as the original lease with BC Gas.

Carried5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 5.1 Bylaw No. 9314 – 2005 Tax Exemption Bylaw

Moved by Councillor Simpson/Seconded by Councillor Clark

**R989/04/10/18** THAT Bylaws No. 9314 and 9315 be read a first, second and third time.

Carried

- 5.2 Bylaw No. 9315 – Amendment No. 3 to Utility Billing Customer Care Bylaw No. 8754

See resolution under 5.1 above.

Regular Meeting – P.M.

October 18, 2004

6. COUNCILLOR ITEMS – Nil.

7. TERMINATION

The meeting was declared terminated at 5:52 p.m.

Certified Correct:

---

Mayor

Acting City Clerk

BLH/am