
CITY OF KELOWNA

MEMORANDUM

Date: August 28, 2003
File No.: (3060-20/3090-20) **DP03-0050/DVP03-0058**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: R93 ENTERPRISES LTD.
NO. DP03-0050 INC. NO. 345769

AT: 500 COOK ROAD

APPLICANT: WATER STREET
ARCHITECTURE

PURPOSE: TO SEEK PERMISSION TO CONSTRUCT A NEW 5 STOREY,
40 UNIT APARTMENT HOTEL ADDITION, A NEW 2 LEVEL
PARKING STRUCTURE FOR 112 VEHICLES, AND

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO REDUCE
THE FRONT SETBACK FROM 6.0 M TO 3.0 M TO THE
PROPOSED PARKING STRUCTURE, TO REDUCE THE
SOUTH FLANKING SIDE YARD SETBACK FROM 4.5 M TO 3.0
M TO THE PROPOSED PARKING STRUCTURE, AND TO
REDUCE THE LEAVE STRIP TO THE NEW APARTMENT
HOTEL FROM 15 M REQUIRED TO 8.76 M PROPOSED

EXISTING ZONE: C9 – TOURIST COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. DP03-0050; for Lot 1, Sec 1 & 12, TWP 25 & DL 134 & 5225, O.D.Y.D., Plan KAP67232, located on Cook Road, 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. Written approval from Ministry of Water Land and Air Protection for the reduced Leave Strip adjacent to the proposed Apartment Hotel addition.

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP03-0058; Water Street Architecture; Lot 1, Sec 1 & 12, TWP 25 & DL 134 & 5225, O.D.Y.D., Plan KAP67232, located on Cook Road, Kelowna, B.C.;

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

- a) Vary Section 6.14.2 **General Development Regulations – Stream Protection Leave Strips**, To vary leave strip required for Commercial development where there is fish present from the minimum 15.0 m to 8.76 m proposed,
- b) Vary Section 14.9.5(c) **Development Regulations** from 6.0 m required to 3.0 m proposed for the Front Yard setback to the proposed parking structure,
- c) Vary Section 14.9.5(d) **Development Regulations** from 4.5 m required to 3.0 m proposed for the South Flanking Side Yard setback to the proposed parking structure,

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.

2.0 SUMMARY

The owner of the Hotel Eldorado wishes to expand the existing hotel facility on the subject property by removing the existing accessory building (The Roundhouse) and building a new 5 storey, 40 room apartment hotel addition to the existing building. As well, the owner also wishes to construct a new 2 level parking structure to provide 112 parking stalls, and to relocate the existing boardwalk along the lakefront approximately 3.7 m (12') towards and over the lake. Included with the proposed building program are also a dining room addition, a new covered patio area, and an "off-sales" area for the sales of liquor.

However, in order to have Council consider this application in a timely manner without the Ministry of Land, Water, and Air Protection comments regarding the proposed relocation of the boardwalk, it has become necessary to consider the Development Permit application for the form and character of the proposed building and Development Variance Permit for building siting separately from the building components related to the proposed relocation of the adjacent boardwalk and the associated environmental issues. This Development Permit and Development Variance Permit application will deal with the proposed parking structure and the new apartment hotel components.

When all of the comments are available from the Ministry of Water, Land, and Air Protection, then the remaining issues relating to the environmental concerns relating to the relocation of the Boardwalk, and the location of the proposed patio and outdoor swimming pool within the 15 m. riparian management area can be considered.

2.1 Advisory Planning Commission

The above noted applications (DP03-0050 & DVP03-0058) were reviewed by the Advisory Planning Commission at the meeting of June 3, 2003 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No.

DP03-0050, 500 Cook Road, Lot 1, Plan 67232, Sec. 12, Twp. 25, ODYD, by Water Street Architecture (Doug Lane), to obtain permission to construct a new 2 level parking structure for 112 vehicles; to build a 5 storey, 40 unit apartment hotel subject to there being no variance for the parking requirements and no commercial use of the proposed new boardwalk;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP03-0058, 500 Cook Road, Lot 1, Plan 67232, Sec. 12, Twp. 25, ODYD, by Water Street Architecture (Doug Lane), to relocate the existing boardwalk approximately 3.7 m toward the lake and construct a gazebo on the new boardwalk and to vary the front and side yard setbacks.

At the meeting of June 3, 2003 and the following additional recommendations were passed:

THAT the Advisory Planning Commission reconsider the Eldorado Hotel motion from the previous APC meeting with respect to that portion which states "That there be no commercial activity on the boardwalk".

AND THAT the artist rendering needs to be returned to the APC so that a review can be made, and that the previous motion be tabled until such time as the plans can be reviewed.

3.0 BACKGROUND

3.1 The Proposal

The existing Hotel Eldorado was constructed on the subject property in 1990, as authorized by DP89-10,007. In 1998 there was an application (DP98-10,011) to authorize development of a gas bar and convenience store on the dock. In 2000, there was an application for a direct DP (DP00-10,006) to authorize the enclosing of some outdoor deck areas and an application for a Development Variance Permit (DVP00-10,030) to permit the location of a patio enclosure that was located 4.5 m from the boundary of the lake, where the regulation require a minimum setback of 15 m. (for areas of previous disturbance).

This current application seeks permission to construct a 5 storey, 40 room apartment hotel addition to the existing 20 unit hotel development in the location of the existing "Roundhouse" building and covered patio area. In order to provide additional parking for this larger building the applicant also proposes the construction of a 2 level parking structure in front of the existing hotel building adjacent to the City Parking lot to provide parking for 112 vehicles.

The proposed apartment hotel addition is designed to have similar materials, details and colours as the existing hotel building in order to replicate the form and character of the existing hotel development. The proposed parking structure is designed as a one storey

structure that is set partially into the ground. The perimeter of the exposed second parking level is constructed with a 600mm high curb that has a glass guard and solid rail that is approximately 1 m. high. It is anticipated that this form of railing will not interfere with the view of the existing hotel building beyond.

As well, the owner also wishes to relocate the existing boardwalk approximately 3.7m (12') closer to and over the lake. This will locate the boardwalk in order that the land side of the proposed boardwalk will be located along the property line, while the water side will project 4.9 m (16') over the lake. It will be necessary for the applicant to seek approval from the Province in addition to seeking Municipal approvals. This portion of the application will be forwarded to Council for consideration at a later date, after all of the senior government comments are available for review.

The proposed apartment hotel addition is designed as a 5 storey, 4241 m² ± building connected to the existing hotel. The ground level of the building is designed to incorporate an amenity area that provides for a swimming pool, a lap pool, fitness area, and associated change rooms. The apartment hotel addition is connected to the existing hotel building by an enclosed connecting link at the second storey level that connects the north side of the existing hotel with the new apartment hotel building.

The apartment hotel building addition is designed to create 10 suites on the 2nd storey, 11 suites on the 3rd. and 4th. storeys, and 8 suites on the 5th storey.

The exterior of the apartment hotel addition is designed with a blend of vertical column elements and horizontal railing and window details to replicate the form and character of the existing hotel building. There are several balconies located on the 2nd, 3rd, and 4th floors at the corners of the building. The window trim and deck and balcony railings are designed to be painted "white".

The roof to the proposed hotel addition is designed as two parallel hipped roofs, with the ridges running parallel to Cook Road, and connected together with a mansard roof section. There are two shed dormers located on each side of the roof to provide glazing to the apartment hotel units located on the 5th storey. The flat roof portion of the mansard connecting link will provide area for air handling units for ventilation.

Also included with this application for Development Permit is the proposal to add an enclosed dining area to the north west corner of the existing building, to add a new covered patio to the south west corner of the existing building, and the addition of a lounge, walk-in cooler, and an "off-sales" area for the sale of liquor products.

The site plan indicates a new 3m x 6 m. (10' x 20') "gazebo" structure proposed to be located at the south end of the new relocated boardwalk. Neither the construction details nor the proposed uses are indicated on the application for this proposed building. City staff have concerns for the addition of private uses to the new boardwalk.

This current application for Development Permit will deal with the proposed siting, and form and character issues of the proposed new apartment hotel building. As City staff are still waiting for additional environmental information from the applicant in support of the relocation of the boardwalk, as well as the patio and swimming pool structures proposed to be located within the 15 m. Riparian Management Area, the Development Permit and Development Variance Permit application for those proposed structures will have to be considered at a later date. It is the applicant's desire that the Development Permit and Development Variance Permit applications for the proposed Apartment Hotel

addition and the Parking Structure be considered now to facilitate the start of construction of the new Apartment Hotel addition as soon as possible.

The proposal as compared to the C9 zone requirements is as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m ²)	5,610 m ²	1,800 m ²
Site Width (m)	77 m	30 m
Site Coverage (%) [bldgs only] [Buildings and parking structure]	26% 72%	N/A
Total Floor Area (m ²) gross Net	4,308 m ² 3,662 m ²	Max 8,415 m ² @ FAR = 1.5
F.A.R.	0.65	1.5 apartment hotels and hotels
Storeys (#)	5 storeys (15m)	6 storeys (22m)
Setbacks (m)		
- Front (Cook Rd) [to hotel] - [To parking structure]	40.2 m 3.0 m ❶	6.0 m
- Rear [deck enclosure] [covered patio] [apartment hotel building]	7.5 m 4.8 m * 9.1 m	4.5 m for motel or accessory bldg 15.0 m from HWM Creek or Lake
- South Side (Capozzi Rd)	3.0 m **	4.5 m to flanking street
- North Side [hotel] [parking structure]	4.5 m 1.8 m ❷	3.0 m
Parking	119 stalls required ❸	112 provided

DVP00-10,030 was issued to approve the following variances;

- * 10.2 m variance, from the required 15.0 m leave strip to the 4.8 m setback to the patio cover
- ** 1.5 m variance, from the required 4.5 m flanking side yard to the 3.0 m setback existing

This proposal requires the following variances;

- ❶ Setback to parking structure for front yard will requires variance from 6.0 m required to 3.0 m proposed
- ❷ Setback to parking structure for north side yard will requires variance from 3.0 m required to 1.8 m proposed
- ❸ Parking summary (as submitted):

Apartment Hotel	-	0.5 per room	x40 rooms	= 20
Hotel	-	1 per sleeping unit	x20 units	= 20
Restaurant	-	1 per 4 seats	x100 seats	= 25
Pub/lounge	-	1 per 4 seats	x100 seats	= 25
Banquet facility	-	1 per 4 seats	x100 seats	= 25
Beer and wine store	-	3.0 per 100 m ²	x120 m ²	= 4
TOTAL PARKING REQUIRED				= 119 STALLS
(by current standards)				

Existing hotel, dining room and marina “grandfathered” in at 55 parking stalls
(DP89-10,007)

Current addition requires	20 new stalls
Current required parking	75 stalls “required”

Actual parking proposed in parking structure - 112 stalls, provides “surplus” of 37 stalls

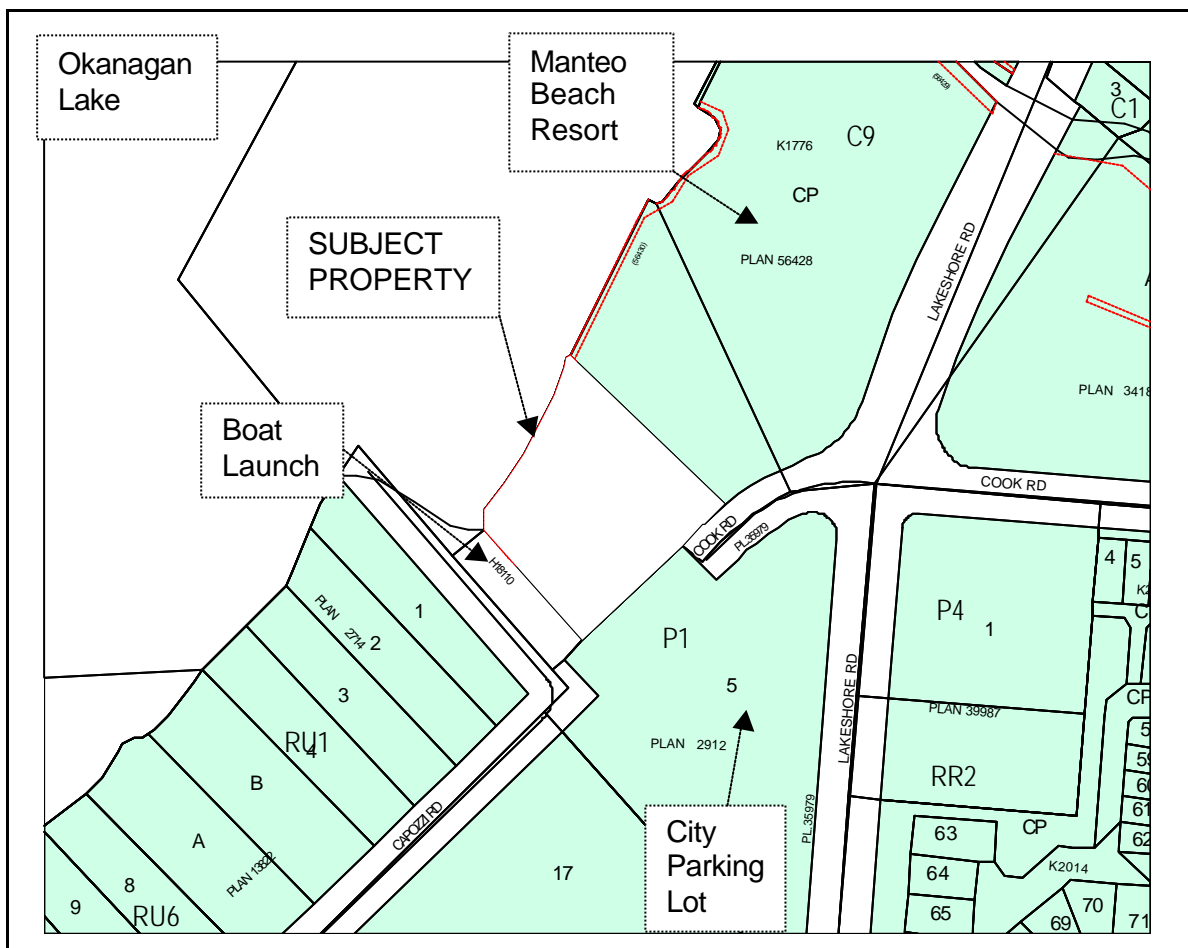
3.2 Site Context

The subject property is currently developed with a paved parking lot located in front of the hotel building, which exists as a 3 storey, 20 room hotel building with accessory building, and a wood boardwalk along the lakeshore. There is also a marina facility located in the lake fronting the subject property with approximately 28 boat slips.

Adjacent zones and uses are, to the:

- North - C9 – Tourist Commercial / Manteo Beach resort
W2 – Intensive Water Use
- East - P1 – major Institutional / Cook Road, City parking lot
- South - RU1 – Large Lot Housing/ Boat Launch, Single Family Residential uses
- West - W2 – Intensive Water Use / Okanagan Lake, Marina use

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the “Tourist Commercial” designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

This proposal is generally consistent with the City of Kelowna Strategic Plan primary goals which ...”encourages economic opportunities and prosperity for all residents by maintaining a healthy community and sustainable local economy;...”

3.3.3 South Pandosy/KLO Sector Plan

This proposal is consistent with the “Tourist Commercial” designation of the South Pandosy/KLO Sector Plan.

The South Pandosy / KLO Sector Plan also includes the following policy statements for Tourist Commercial developments;

Tourist Commercial Objectives;

The City of Kelowna’s objectives are to:

1. In accordance with the Official Community Plan, recognize an area near Lakeshore Road and Cook Road as a tourist Commercial node/destination,
2. Promote the expansion of tourist services and accommodation,
3. Integrate the tourist commercial uses with Okanagan Lake by encouraging access, views or immediate linkages to the waterfronts.
4. Protect the integrity of nearby parks, open space, lake access (includes boat launch) and streams.

Tourist Commercial Policies;

The City of Kelowna will:

1. Concentrate the Tourist Commercial area generally as defined on Land Use Designation Map 5.1.
2. Development Perimeter area Guidelines shall apply to all commercial use area as shown on Map 5.1.
3. Support the location of restaurants/outdoor eating areas, near the waters edge.
4. Consider the redevelopment of any camping sites north of Cook Road with the introduction of more fixed-roof accommodation and a mixture of tourist commercial and multi-family residential uses.
5. Redevelopment of the campground site north of Cook Road should facilitate pedestrian linkage to the adjacent multiple family residential area.
6. Roadway and intersection improvements at the corner of Cook Road and Lakeshore Road should respect the tourism character being created in this area, and be careful not to compromise pedestrian orientation.

3.3.4 Crime Prevention Through Environmental Design

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Commercial Developments;

Natural Surveillance

- dumpsters should not create blind spots or hiding areas, particularly when located in lanes;
- recessed doorways, alcoves or other dark niches should be not be created or should be removed to eliminate hiding places for potential assailants, vandals or other criminal activity;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- signs placed within windows should cover no more than 15% of the window area, to ensure that natural surveillance of the street is maintained;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- parking areas should be clearly visible from the building or street;
- paths in commercial areas should be provided in locations with good surveillance, not blocked in by blank walls and dense landscaping;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- clear visibility should be maintained from the store to the street, sidewalk, parking areas and passing vehicles;
- all entrances should be under visual surveillance or monitored electronically.

Territorial Reinforcement

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- blank walls should be avoided, but can be improved by the installation of windows, vertical landscaping (e.g. ivy), non-paint-able surfaces, or the use of mural art; which all discourage graffiti;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;
- benches should be placed in public spaces and along paths or sidewalks to provide a resting place, particularly for seniors or those with disabilities; elevated seating positions allow for broad observation and give users a greater sense of control.

Natural Access Control

- public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;

Management

- operating hours should coincide with those of other neighbouring businesses;
- pay phones should be call-out only and under surveillance at all times;
- interior space should be well-lit.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Aquila Networks Canada

Will provide underground electrical service to this development.

4.2 Fire Department

Engineered fire flows will be required. Confirmation that fire flows are provided to the site is required.

4.3 Inspection Services Department

1. Board walk and gazebo are outside property line.
2. There are spatial separation concerns between the parkade and the hotel and new apartment/hotel.
3. The existing hotel and new apartment/hotel require a firewall to separate combustible construction and non-combustible construction. This also will create spatial separation concerns.
4. Is the existing dining porch sprinklered? The new areas will require sprinklers.
5. Access to the new tower for fire fighting does not comply to code.
6. Fire hydrant is required within 45 m of fire department connection.
7. The new apartment/hotel has a dead-end corridor exceeding the maximum 6 m.

4.4 Parks Manager

The Parks Division wants to ensure that the new boardwalk will be accessible to public pedestrian traffic.

4.5 Public Health Inspector

Plans for pools and food service to be approved by Health - sanitary sewer & City water required.

4.6 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings and specification.

4.7 Works and Utilities Department (Revised comments)

The Works & utilities Department has the following comments and requirements associated with this application for the proposed 5 storey, 40 unit apartment hotel and new 2 level parking structure for 112 vehicles. The existing parcel is zoned C-9. The road and utility upgrading requirements outlined in this report are provided for information purposes.

1. Domestic Water and Fire Protection

- (a) The existing water main within Cook Road fronting on the proposed development site is 200mm in diameter
- (b) The proposed development site is serviced with a 150mm-diameter water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if this service can be utilized or if a larger service is required. Unused services must be removed at the applicant's cost, and if a service change is required, it can be provided at the applicant's cost.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (d) The boulevard irrigation systems must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) Sanitary sewer service for this development will be provided from a sanitary sewer main on Cook Rd.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service. The existing 150mm diameter sanitary service may be utilised if it is of sufficient size and depth.
- (c) Removal and capping of unused existing sanitary services and the tie-in of the new service must be by City crews and will be at the applicant's cost.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm

water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. A direct pipe discharge to the lake is not permitted

- (b) Storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

4. Road Improvements

- (a) Capozzi Road (Boat Launch), It is necessary to install a concrete sidewalk fronting the property as a pedestrian link to the boardwalk. Modify the boardwalk access onto Capozzi Road to make it Wheelchair accessible and tie into the concrete sidewalk. The cost of this construction for bonding purposes is \$4,500.00.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate a 15m wide public access area along the lake frontage of this lot measured from the lake high water mark.
- (b) Grant Statutory Rights Of Way if required for utility services.

6. Electric Power and Telecommunication Services

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

8. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for

distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- (vi) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- (vii) Recommendations for items that should be included in a Restrictive Covenant.
- (viii) Any special requirements that the proposed development should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- (ix) Any items required in other sections of this document.
- (x) Recommendations for erosion and sedimentation controls for water and wind.
- (xi) Recommendations for roof drains and perimeter drains.

9. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Development Permit and Site Related Issues

- (a) The environmental ramifications of construction of a new boardwalk approximately 3.7m into the lake with a gazebo on the new boardwalk and the building setbacks from the lake must be considered, but Development Engineering will defer comment on those issues to the City Environment Manager and the Provincial Government

- (b) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.
- (c) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (d) A bike rack must be provided in accordance with current bylaws and policies.
- (e) Access and Manoeuvrability
 - (i) The proposed access location onto Cook Road appears to exceed the length of the existing road frontage.
 - (ii) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (iii) Perimeter access must comply with the BC Building Code.

11. Development Variance Permit

- (a) The Development Variance Application to vary the front and side yard setbacks does not compromise Works and Utilities servicing requirements.
- (b) Works and Utilities do not support a variance for the parking requirements.

12. Bonding and Levy Summary

(a) Bonding

Capozzi Road sidewalk	\$4,500.00
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<u>Total</u>	<u>\$4,500.00</u>
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NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to or issuance of a building permit.

(b) Levies

No levies are applicable. Off-site service connection costs will be included in the servicing agreement.

13. Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application represents the next phase of proposed development of the Hotel Eldorado property. The addition of 40 apartment hotel units to the existing 20 unit hotel development will more than double the number of rooms available at the hotel, and will create new furnished suites with full cooking facilities.

There had been an outstanding issue of illegal fill encroaching into the lake adjacent to the subject property. At the time of the processing of DP98-10,011 for the gas dock, the owner registered a plan of subdivision at the Land Titles Office that identified the current limit of fill as the property line of the property and returned to the Crown the water lot.

The new apartment hotel addition is anticipated to incorporate design details from the original Hotel Eldorado building, and is designed to be finished with the same finishes and colours. The proposed parking structure will create a substantial number of new parking stalls, which will assist in reducing the ongoing parking problems that occur in the neighbourhood during certain times of the year or during certain events that create a strong demand for public participation.

The relocation of the existing boardwalk towards the lake has the potential to provide a more defined pedestrian walkway and help separate the outdoor table seating from the pedestrians moving along the walkway. However, this change in boardwalk location will require approval from the provincial Ministry of Water Land and Air Protection, as well as the federal Department of Fisheries and Oceans. As this process is taking longer than originally anticipated, and the owner is anxious to proceed with starting building construction, the variances associated with the relocation of the boardwalk, swimming pool and patio, and the patio addition to the original hotel building will be addressed at a later date when the environmental studies are completed to the satisfaction of the approval agencies.

The Planning and Corporate Services Department does not have concerns with the proposed building expansion. However, there are still issues that have to be addressed in regard to the relocation of the boardwalk. The applicant is still in the process of seeking approval from Provincial and Federal agencies for the relocation of the boardwalk. At this time, that review is still pending. The Planning and Corporate Services Department does not have concerns with the relocated boardwalk as long as the issues related to public access along the relocated boardwalk and the environmental issues can be addressed.

The portion of this application that relates to the relocation of the Boardwalk will be forwarded to Council for consideration in the future, as soon as the applicant can

address the environmental concerns, and provide approval from the senior government agencies.

In light of the above, the Planning and Corporate Services Department supports this application and recommends for positive consideration of these Development Permit and Development Variance Permit applications for the new Apartment Hotel and Parking Structure.

Andrew Bruce
Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Community and Corporate Services

PMc/pmc
Attach.

FACT SHEET

- | | | |
|-----|---|--|
| 1. | APPLICATION NO.: | DP03-0050 |
| 2. | APPLICATION TYPE: | Development Permit |
| 3. | OWNER: | R39 Enterprises Ltd. Inc. No. 345769 |
| | · ADDRESS | 500 Cook Rd. |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1W 3G9 |
| 4. | APPLICANT/CONTACT PERSON: | Water Street Architecture / Doug Lane |
| | · ADDRESS | #2 – 1562 Water Street |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1Y 1J7 |
| | · TELEPHONE/FAX NO.: | 762-2235/762-4584 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | May 07, 2003 |
| | Date Application Complete: | N/A |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to Council: | August 28, 2003 |
| 6. | LEGAL DESCRIPTION: | Lot 1, Sec 1 & 12, TWP 25 & DL 134
& 5225, O.D.Y.D., Plan KAP67232 |
| 7. | SITE LOCATION: | Near Lakeshore and Cook Roads,
adjacent to Capozzi Road and City
Boat Launch |
| 8. | CIVIC ADDRESS: | 500 Cook Rd. |
| 9. | AREA OF SUBJECT PROPERTY: | 5,608 m ² |
| 10. | TYPE OF DEVELOPMENT PERMIT AREA: | Urban Centre Development Permit
Area – South Pandosy |
| 11. | EXISTING ZONE CATEGORY: | C9 – Tourist Commercial |

12. PURPOSE OF THE APPLICATION:

To Seek Permission To Construct A New 5 Storey, 40 Unit Apartment Hotel Addition, A New 2 Level Parking Structure For 112 Vehicles, and

To Seek A Development Variance Permit To Reduce The Front Setback From 6.0 M To 3.0 M To The Proposed Parking Structure, To Reduce The South Flanking Side Yard Setback From 4.5 M To 3.0 M To The Proposed Parking Structure, And To Reduce The Leave Strip To The New Apartment Hotel From 15 M Required To 8.76 M Proposed

13. DEVELOPMENT VARIANCE PERMIT VARIANCES:

- a) Vary Section 6.14.2 **General Development Regulations – Stream Protection Leave Strips**, To vary leave strip required for Commercial development where there is fish present from the minimum 15.0 m to 8.76 m proposed,
- b) Vary Section 14.9.5(c) **Development Regulations** from 6.0 m required to 3.0 m proposed for the Front Yard setback to the proposed parking structure,
- c) Vary Section 14.9.5(d) **Development Regulations** from 4.5 m required to 3.0 m proposed for the South Flanking Side Yard setback to the proposed parking structure,

14. VARIANCE UNDER DEVELOPMENT PERMIT:

N/A

15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS

N/A

Attachments

Subject Property Map
Schedule A, B & C (3 pages)
3 pages of site elevations / diagrams