

Public HearingJune 26, 2012

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, June 26th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Staff members in attendance were: Acting City Manager, Jim Paterson; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Subdivision Approving Officer, Ryan Smith*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:08 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030 - Official Community Plan* Bylaw No. 10500" and "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 8, 2012 and by being placed in the Kelowna Capital News issues of June 15, 2012 and June 19, 2012, and by sending out or otherwise delivering 372 letters to the owners and occupiers of surrounding properties between June 8, 2012 and June 15, 2012. For convenience, information regarding this Public Hearing is also available at kelowna.ca.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 Bylaw No. 10673 (OCP09-0016); Bylaw NO. 10670 (TA09-0007); Bylaw No. 10668 (Z09-0071) and Bylaw No. 10669 (Z09-0071) - Calcan Investments Ltd - 5505 Chute Lake Road - THAT Official Community Plan Bylaw Amendment No. OCP09-0016 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, be changing the Future Land Use designation of a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna BC, from the Major Park and Open Space designation to the Single/Two Unit Residential (Hillside) designation, as shown on Map "A" attached to the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Land Use Management Department dated May 24, 2012;

AND THAT Zoning Bylaw Text Amendment No. TA09-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by introducing three new hillside zones, including RH1 - Hillside Large Lot Residential, RH2 - Hillside Two Dwelling Housing and RH3 - Hillside Cluster Housing, as outlined in the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amending Bylaw No. 10668 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located at 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH1 - Hillside Large Lot Residential and P3 - Parks and Open Space zones, as shown on Map "B" attached to the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amending Bylaw No. 10669 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located at 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH3 - Hillside Cluster Housing zone, as shown on Map "B" attached to the Report of the Land Use Management Department dated May 24, 2012 be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw, Text Amendment Bylaw and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw No. 10669 be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND THAT final adoption of Zone Amending Bylaw Nos. 10668 and 10669 be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT Council directs staff to evaluate the hillside zones and to report back to Council within two (2) years of the adoption of the Text Amendment Bylaw.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

David Lang, Applicant's Representative

- Originally met with staff back in 2009 with respect to the refinement of the City's Hillside Guidelines.
- Provided an overview of the application process.
- Confirmed that the development group has had several meetings with the Resident's Association as well as the owner of the adjacent property. Letters of support from the Residents' Association and the adjacent property owner have been submitted to staff.
- Displayed a presentation with respect to the proposed development and showed a 3-D model (fly-by).
- Advised that the development group would not have an issue, from a development perspective, with allowing public access (parking) to "The Creggs" (cliffs). The only concern with allowing public access would be from a liability perspective.
- Advised that there is a need to retain the three (3) housing units for road dedication purposes, but would be willing to reduce the size of the building envelopes for those lots during the subdivision phase of the development.

Council:

- Would like to ensure public access to "The Creggs" is maintained.

Public HearingJune 26, 2012Gallery:James Hamilton, 5850 Chute Lake Road

- Lives in the log cabin adjacent to the property.
- Likes what he sees, but does have a concern with access to "The Creggs" as it is a very popular rock climbing area.

Tom Smithwick, Counsel for "Seaton House"

- Is in favour of the proposed development.

David Lange, Applicant's Representative

- Would be willing to dedicate a portion of the lands to the City in order to maintain public access and parking for "The Creggs".

There were no further comments.

- 3.2 Bylaw No. 10713 (Z12-0015) - Antonio and Jennifer Pagnotta - 1356 Mountainview Street - THAT Rezoning Application No. Z12-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, Section 29, Township 26, ODYD Plan 5070, located on Mountainview Street, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone be, considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch being completed to their satisfaction.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- o Letters of Opposition:
 - Michael & Teresa Diotte, 1362 Mountainview Street
 - Andrew Roberts, 1343 Mountainview Street
 - Cray Harris, 1793 Glenella Place
 - Ulrich Rudolph, 1359 Mountainview Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants were present, but did not have anything further to add to staff's comments.

Gallery:Ulrich Rudolph, 1359 Mountainview Street

- Has lived on Mountainview Street for 9 years and is opposed to the rezoning.
- Advised that the property owners are absentee landlords.
- Expressed a concern with a potential for increased traffic in the area.
- Believes that Dilworth Crescent has become a high traffic area and adding density to the area will only add to the traffic congestion.
- Expressed a concern with parking along Mountainview Street.
- Advised that Mountainview Street is a dead end road not a cul-de-sac.
- Wants to keep Mountainview Street as a single-family neighbourhood.

Staff:

- Confirmed that there is sufficient parking on-site for the proposed suite in the accessory building and that the parking is not tandem.

Cray Harris, 1798 Glenella Place

- Expressed a concern with an absentee owner being granted a secondary suite application.
- Opposed to the rezoning.
- Expressed a concern that if the tenants don't work out and there are issues with the suite, there is no recourse for the area residents.
- Believes that the proposed carriage house does not fit into the neighbourhood.

Pat Stoyko, 1365 Mountainview Street

- Canvassed the neighbourhood and believes that all 23 property owners in the area are opposed to the rezoning.
- Expressed a concern with the access to the property.
- Advised that the property is currently rented and there are 3-4 cars parked in the driveway, or on the street, on any given day.
- Believes that there are already 4-5 people living in the principle residence.
- Believes that there are not any carriage homes in existence in the old Glenmore area and that this will set a precedent.
- Is opposed to the carriage house concept, not the concept of a secondary suite within a principle residence.

Cameron Smith, 1368 Mountainview Street

- Advised that he just purchased his home in May of 2012 and shares the same concerns as the previous speakers.
- Opposed to the rezoning.

Alex Murovec, 1355 Dilworth Crescent

- Advised that his home is located just behind the alley adjacent to the subject property.
- Agrees with the previous speakers.
- Opposed to the rezoning.
- Believes that this application will change the face of the neighbourhood. If it was a secondary suite within the home it would be okay, but he is opposed to carriage houses.
- Confirmed that he would see the carriage house from his deck.
- Expressed a concern with the lack of parking in the area.
- Opposed to the access from the back alleyway.

Cray Harris, 1798 Glenella Place

- Inquired if members of Council have granted approval to the construction of carriage houses in proximity to their own homes.

Jordan Shaw, 1353 Mountainview Street

- Advised that his main concern is the pot holes that litter Mountainview Street and believes that an increase in vehicles will only contribute to the pothole problem.

Ulrich Rudolph, 1359 Mountainview Street

- Made a suggestion that the vacant City lot in the area could be used for parking for Mountainview Street.
- Expressed a concern that the current occupiers already occupy all of the on-site parking on the site.
- Believes that the road network in the area is very congested and was not designed for the increase in traffic.

Pat Stoyko, 1365 Mountainview Street

- Confirmed that density, absentee owners, traffic, congestion, parking and the road network are the main concerns with respect to this application.

Dan Turner, 1796 Glenella Place

- Expressed a concern with the access to the neighbourhood as most of the traffic in the area is being diverted through Mountainview Street.
- Advised that parking is already a nightmare in the area.
- Advised that there is a lot of foot traffic in the area including kids walking to and from school. There are no sidewalks and an increase in traffic could pose a safety concern.

Antonio & Jennifer Pagnotta, 460 Curlew Drive, Applicant

- Purchased the property because they liked the area.
- Want to construct a carriage home in order to help increase property values in the area.
- Advised that they live in Kelowna and may consider living in the principle residence in the future and renting out the carriage house.
- Believes that as a property owner, absentee landlord or not, they do have invested interest in the area and the community.
- Advised that there are four (4) tenants in principle dwelling and there is adequate parking for the house as well as the proposed carriage house.
- Believes that any visitors to the property could park on Dilworth Drive.
- Believes that there are legal and illegal suites in the area.
- The area is already high in density and they do not believe that the 2-bedroom carriage house would negatively impact the area.
- Advised that the carriage house will actually sit lower than the current residence.
- Would like to finish the carriage home in a way that is complimentary to the current residence and the neighbourhood.
- Purchased the property for the long term.
- Advised that they did not consult with the neighbourhood regarding the proposed rezoning prior to the Public Hearing.
- Advised that they did consider a secondary suite in the current home, but opted for the carriage house. They wanted to ensure that they would not be sharing the same structure with tenants should they decide to move into the principal residence in the future.
- Advised that the carriage house will be approximately half the size of the current residence.
- Believe that the current tenants have three (3) vehicles. There would be 1 vehicle in the carport with 2 vehicles tandem parking in the driveway.
- Would be willing to do whatever it takes to ensure that on-site parking is achieved.
- Advised that they purchased the property in February 2012.
- Confirmed that there are 2 bedrooms on the main floor with 2 bedrooms in the basement.
- Advised that there is additional space on the site to accommodate more parking, which will not be tandem parking.
- Advised that they visit the property on a regular basis.

Staff:

- Clarified that parking for the principle residence includes tandem parking.

There were no further comments.

- 3.3 Bylaw No. 10715 (Z12-0026) - Bhushan and Arunlata Singla - 678 Westpoint Court - THAT Rezoning Application No. Z12-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, ODYD Plan KAP76046 except plan KAP84981 located on Westpoint Court, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone be, considered by Council.

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

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- Letters of Opposition:
 - Robert Rancier, 675 Westpoint Court
 - Yolanda Fradette, 720 Tozer Court
- Letter of Concern:
 - Jim Hawkins, 762 Dehart Road

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Bhushan Singla, Applicant

- Consulted with the neighbourhood prior to bringing for this rezoning application and obtained the support of his 14 of his neighbours, which was provided to City staff.
- Confirmed that all of the parking will be at the front of the property.
- Confirmed that the back of the property will be fenced off and access will not be allowed.

Staff:

- Confirmed that the legal access to the property is off of Westpoint Court and once construction has been completed, the temporary access off the back of the property will be decommissioned

There were no further comments.

- 3.4 Bylaw No. 10716 (Z12-0025) - David and Monica Haiworonsky/David Haiworonsky - 4155 McClain Road - THAT Rezoning Application No. Z12-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 2 and 3, Township 26, ODYD Plan KAP91355, located on 4155 McClain Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR1s - Rural Residential 1 with Secondary Suite zone be, considered by Council;

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

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering (Interior Health) being completed to their satisfaction.

Staff:

- The use of the suite is expected to be for family members and will not be rented.

The Deputy City Clerk advised that no following correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present. No one came forward.

Public Hearing

June 26, 2012

4. TERMINATION:

The Hearing was declared terminated at 7:43 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk

DRAFT

Regular MeetingJune 26, 2012

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, June 26th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blaneil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Staff members in attendance were: Acting City Manager, Jim Paterson; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:43 p.m.

2. A Prayer was offered by Councillor DeHart.

3. CONFIRMATION OF MINUTES

Public Hearing - June 12, 2012
Regular Meeting - June 12, 2012

Moved by Councillor Given/Seconded by Councillor Stack

R605/12/06/26 THAT the Minutes of the Public Hearing and Regular Meeting of June 12, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10673 (OCP09-0016) - Calcan Investments Ltd. - 5505 Chute Lake Road - Requires a majority of all Members of Council (5)

Staff:

- Confirmed that the building envelopes for the three (3) lots in question could be dealt with during the subdivision phase of the development.

Moved by Councillor Given/Seconded by Councillor Stack

R606/12/06/26 THAT Bylaw No. 10673 be read a second and third time.

Carried

4.2 Bylaw No. 10670 (TA09-0007) - City of Kelowna Zoning Bylaw No. 8000 - Section 13, Urban Residential Zones - Adding New Hillside Zones

Moved by Councillor Stack/Seconded by Councillor Given

R607/12/06/26 THAT Bylaw No. 10670 be read a second and third time.

Carried

- 4.3 Bylaw No. 10668 (Z09-0071) - Calcan Investments Ltd. - 5505 Chute Lake Road

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R608/12/06/26 THAT Bylaw No. 10668 be read a second and third time.

Carried

- 4.4 Bylaw No. 10669 (Z09-0071) - Calcan Investments Ltd. - 5505 Chute Lake Road

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R609/12/06/26 THAT Bylaw No. 10669 be read a second and third time.

Carried

- 4.5 Bylaw No. 10713 (Z12-0015) - Antonio & Jennifer Pagnotta - 1356 Mountainview Street

Council:

- Councillor Blanleil expressed a concern with the proposed parking and the fact that the Applicants did not approach the neighbours prior to bring this application forward.
- Councillor Hobson expressed a concern with the proposed on-site parking for both the principle residence and the proposed carriage house. Would prefer that the secondary suite be contained within the principle residence.
- Councillor Singh expressed a concern with the impact on traffic, roads and parking in the area.
- Councillor DeHart expressed a concern with the proposed on-site parking and the impact on the traffic congestion in the area.
- Councillor Zimmermann expressed a concern with the proposed on-site parking and the impact on the traffic congestion in the area.
- Councillor Basran would prefer that the secondary suite be contained within the principle residence rather than a carriage house.
- Mayor Gray expressed a concern with the proposed on-site parking and the impact on the traffic congestion in the area.

Moved by Councillor Blanleil/Seconded by Councillor Basran

R610/12/06/26 THAT Bylaw No. 10713 be read a second and third time.

DEFEATED

Mayor Gray and Councillors Basran, Blanleil, DeHart, Hobson, Singh and Zimmerman - Opposed.

- 4.6 Bylaw No. 10715 (Z12-0026) - Bhushan & Arunlata Singla - 678 Westpoint Court

Moved by Councillor Hobson/Seconded by Councillor Singh

R611/12/06/26 THAT Bylaw No. 10715 be read a second and third time.

Carried

Regular Meeting

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- 4.7 Bylaw No. 10716 (Z12-0025) - David & Monica Haiworonsky - 4155 McClain Road

Moved by Councillor Hobson/Seconded by Councillor Singh

R612/12/06/26 THAT Bylaw No. 10716 be read a second and third time.

Carried

5. THE DEPUTY CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The Deputy City Clerk advised that Notice of Council's consideration of the amendments to the Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on June 8, 2012, and by being placed in the Kelowna Capital News issues on June 15, 2012 and June 19, 2012 and by sending out or otherwise delivering 1,042 letters to the owners and occupiers of surrounding properties between June 8, 2012 and June 15, 2012.

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 337 letters to the owners and occupiers of the surrounding properties between June 8, 2012 and June 15, 2012.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Land Use Management Department, dated May 25, 2012 re: Liquor Licensing Application No. LL12-0005 - Moxie's Classic Grill - 1730 Cooper Road Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

Staff:

- Confirmed that the parking requirements have been satisfied.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Basran

R613/12/06/26 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved that:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Moxie's Classic Grill at 1730 Cooper Road, Kelowna BC, (legally described as Lot 5 District Lot 127 Osoyoos

Division Yale District Plan 34162 for the expansion of the existing Liquor License to the expanded patio, are as follows:

- a) **The potential for noise if the application is approved:**
There is an increased potential for noise with additional patio seating.
- b) **The impact on the community if the application is approved:**
The potential for negative impacts is considered to be minimal.
- c) **View of residents.**
The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."
- d) **Recommendation:**
Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

Carried

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Land Use Management Department, dated May 18, 2012 re: Development Variance Permit Application No. DVP11-0192 - Southkel Ventures Ltd. (Porter Ramsay) - 3960 Lakeshore Road City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The Deputy City Clerk advised no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Tom Smithwick, Porter Ramsay, Applicant's Representative

- Advised that the architect has signed off on the basis that the masonry wall is not required and therefore the masonry wall has not been constructed. The owner of the property is willing to erect the masonry wall if the City wants it to be constructed.

Gallery:

Mark Heinrichs, 529 Radant Road

- Opposed to the setback variance as he believes that there is room to put the storage facility on the north side of the building.
- Expressed a concern that there are already three (3) different rooflines and materials with respect to the current structures on the site.
- Inquired what type of materials will be stored in the facility.
- Feels that the structure will take away from the neighbourhood.

William Berger, 527 Radant Road

- Opposed to the setback variance.
- Expressed a concern that the City's regulations and processes were not followed.
- Believes that the owner of the property has not lived up to its original agreement.
- Believes that what was designed and approved by Council, wasn't actually built
- Advised that the people using the car wash park on the street to dry their cars.

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Tom Smithwick, Porter Ramsay, Applicant's Representative

- Advised that the original building is the highest roofline.
- Advised that the touchless car bay was added through a Development Permit process.
- Advised that the storage facility will contain soap for the car wash and if it was moved to the north side of the site, it would negatively affect the traffic flow in and around the building.

Staff:

- Confirmed that the Development Engineering comments indicate that a masonry wall is required.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Given

R614/12/06/26 THAT Council authorizes the issuance of Development Variance Permit No. DVP11-0192, for Strata Lot 2, Sec. 1, Twp. 25 and Sec. 6, Twp. 26, O.D.Y.D., Strata Plan KAS2714, located on Lakeshore Road, Kelowna, BC;

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

Section 14.2.5(e) - Development Regulations

To vary the minimum south side yard setback from 2.0m required to 0.15m proposed, as per Schedule 'A'.

AND THAT Council directs staff to ensure that the exterior materials of the storage facility be improved to complement the existing car wash's exterior.

Carried

- 7.2 Land Use Management Department, dated June 1, 2012 re: Development Permit Application No. DP12-0008 and Development Variance Permit Application No. DVP12-0009 - City of Kelowna (Meiklejohn Architects) - 1360 & 1410 Water Street City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Stoke Tonne, Meiklejohn Architects, Applicant's Representative

- Displayed a presentation with respect to the KYC New Clubhouse Design.
- Advised that the public restaurant will be located on the first level of the structure and will include 40 inside table seats with 10-12 bar seats and 80+ outside patio seats.
- Advised that there will be a rentable banquet room on the second level that can be used by the public.

Gallery:

William Berger, 527 Radant Road

- Expressed a concern with the parking variances being requested.

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There were no further comments.

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R615/12/06/26 THAT Council authorizes the issuance of Development Permit No. DP12-0008 for Lot 1, District Lot 139 & 4083, ODYD, Plan 8654, located at 1360 Water Street and Lot A, District Lot 139, ODYD, Plan 16592, located at 1410 Water Street, 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. Prior to the issuance of a building permit the applicant be required to post with the City a "Letter of Credit" in the amount of 140% of the estimated value of the cost to design, construct and complete the parking area, which includes parking spaces and sidewalks as shown in general accordance with Schedule "C";
6. The applicant provide payment in lieu of off-street parking payment, on or before the completion date noted in the Purchase and Sale agreement between the Kelowna Yacht Club and The City of Kelowna, for the full amount of \$675,000.00 to satisfy the 30 parking stall shortfall.
7. Registration of a plan of subdivision at the Land Titles Office prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0009 for Lot 1, District Lot 139 & 4083, ODYD, Plan 8654, located at 1360 Water Street and Lot A, D.L. 139, ODYD, Plan 16592, Located at 1410 Water Street, Kelowna, B.C.;

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

Section 16.1.5 (b) Development Regulations - Site Coverage

To vary the maximum site coverage from 50% permitted to 100% proposed.

Section 16.1.5 (d) Development Regulations - Front Yard

To vary the required front yard setback from 6.0 m required to 0.0 m proposed.

Section 16.1.5 (e) Development Regulations - Side Yard

To vary the required side yard setbacks from 4.5 m required to 0.0 m proposed.

Section 16.1.5 (f) Development Regulations - Rear Yard

To vary the required rear yard setback from 7.5 m required to 0.0 m proposed.

Table 8.1 - Parking Schedule

To vary the vehicle parking from 145 required to 30 proposed.

Table 8.2 - Loading Schedule

To vary the loading stalls from 1 required to 0 proposed on site.

Table 8.3 - Bicycle Parking Schedule

To vary the bike parking from 6 - Class I stalls and 12 - Class II stalls required to 0 proposed on site.

AND FURTHER THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

Section 6.1 - P1 - Major Institutional (# of signs)

To vary the number of fascia/canopy signs from 3 permitted to 9 proposed.

Section 6.1 - P1 - Major Institutional (Sign Area)

To vary the area of Sign #1 from 4.0m² to 18.58m², Sign #2 from 4.0m² to 18.77m², Sign #3 from 4.0m² to 6.5m² and Sign #4 from 4.0m² to 6.18m² in general accordance with Schedule "A".

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 9:29 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk