

Public HearingNovember 13, 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, November 12<sup>th</sup>, 2012.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:05 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 31, 2012 and by being placed in the Kelowna Capital News issues on November 2, 2012 and November 6, 2012, and by sending out or otherwise delivering 1,242 letters to the owners and occupiers of surrounding properties between October 26, 2012 and November 2, 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 309.

3. INDIVIDUAL BYLAW SUBMISSIONS
  - 3.1 Rezoning Application No. Z12-0047 - 0872645 BC Ltd. and Onkar Singh & Ranjit Kaur Dhillon (Philip Patara) - 875 & 885 Mayfair Road - THAT Rezoning Application No. Z12-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 143, ODYD Plan 22026 and Lot 3, District Lot 143, ODYD Plan 22026 located on Mayfair Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU6- Two Dwelling Housing 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 City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Opposition:
  - Sonya & Brian Arrance, 902 Mayfair Road

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.

3.2 Rezoning Application No. Z12-0051 - Heinz Strege - 1460 Graham Road - THAT Rezoning Application No. Z12-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 22, Township 26, ODYD Plan 11186, except Plans H12895 and KAP70891 located on Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6b - Two Dwelling housing with boarding or lodging house 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 Variance Permit for the subject property;

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

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

- o Petition of No Objection:
  - Petition of 18 signatures as submitted by the Applicant "with no objection to the rezoning of 1460 Graham Road to RU6b for Seniors 55+ facility as long as the City of Kelowna and the owner place a restricted covenant over the property...registered on title...restricting use to a seniors development only".

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

Heinz Strege, Applicant

- Would like to rezone the property to RU6b so that he can develop the existing residence into a Seniors Retirement Living complex.
- The existing residence meets all the requirements for building and parking.
- He is prepared to make improvements to the existing location by renovating the building, landscaping the site and building additions to provide a quality facility for Seniors.
- Confirmed that he has full intentions of developing the property as described, however, in order to give his neighbours peace of mind, he would like to register a restrictive covenant on title which would allow the development of the existing residence to be for a Seniors Residence only.
- Submitted his speaking notes for the record.
- Advised that once the development is complete, there will be 13 people, inclusive of staff, residing on the premises, including staff.
- Responded to questions from Council.

City Clerk:

- Responded to questions from Council regarding previous Bylaw Enforcement infractions with respect to the subject property.
- Advised that Mr. Strege has paid his outstanding fines and has been very cooperative with Bylaw Enforcement staff.

Public HearingNovember 13, 2012

## Staff:

- Clarified the regulations under the RU6b zone.

## Gallery:

Pat Durette, 2229 Mayer Road

- Expressed a concern that the artist's rendition of the development is not what the property currently looks like.

Jackie Materi, 1425 Graham Road

- Lives directly across the street from the property.
- Expressed a concern with the type of people who are currently residing on the premises.
- Expressed a concern with on-street parking as she believes that there is only room for 7 vehicles to park on site.
- Expressed a concern that the property may not be large enough to house the number of residents that is being proposed.
- Expressed a concern that the Applicant has been proposing this type of development for the last 6 years, but nothing has happened to date.
- Advised that if the development goes ahead as planned and as stated, she would not be opposed to the rezoning.
- Responded to questions from Council.

Barb, Co-owner of 1425 Graham Road

- Expressed a concern with the type of people who are currently residing on the premises.
- Expressed a concern regarding the proposed Restrictive Covenant and whether a future owner would be bound by the terms of the Covenant.

## City Clerk:

- Confirmed that the Restrictive Covenant would run with the land and therefore any future owner would be bound by its terms.

## Staff:

- Advised that the application meets the City's parking requirement. The Applicant is proposing 8 on-site parking stalls when only 6 are required.
- Advised that if Council approves the rezoning, the development proposal would be subject to a staff-directed Development Permit.

## City Clerk:

- Provided an overview of the Bylaw Enforcement action for the subject property.

Jackie Materi, 1425 Graham Road

- Expressed a concern with the parking plan provided by the Applicant as she believes that the stalls depicted are not big enough to accommodate the average vehicle.

## Staff:

- Will ensure that the parking plan meets the vehicle width standards when considering the Development Permit.

Heinz Strege, Applicant

- Clarified the dimensions proposed in the submitted parking plan.
- Advised that he would like to have the existing residents moved out of the subject property within 30-60 days.
- Advised that he would like to start the renovation process as soon as he is able to.
- Advised that it is his intention to have the development completed within 120 days from the date the Development Permit is authorized.

Public Hearing

November 13, 2012

- Confirmed that there are currently 8 residents residing on the subject property even though the zoning allows for 5 residents.
- Responded to questions from Council.

There were no further comments.

- 3.3 Official Community Plan Bylaw Amendment Application No. OCP12-0013 and Rezoning Application No. Z12-0054 - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue - THAT OCP Bylaw Amendment No. OCP12-0013 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of Lot 2, D.L. 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, B.C. from Single/Two Unit Residential to Health District, be considered by Council;

AND THAT Council considers the Public Hearing 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 October 5<sup>th</sup>, 2012;

AND THAT Rezoning Application No. Z12-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 2, D.L. 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to HD2 - Hospital & Health Support Services, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP12-0013 and 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 on the subject property;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the subject property into the larger 'Collett Manor' project as proposed under Development Permit Application No. DP12-0123 for the properties located at 2149, 2159, 2169, 2179 and 2189 Pandosy Street;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to completion of a Purchase / Sale Agreement with the City for the lane purchase and relocation.

The 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.

Garry Tomporowski, Architect, Applicant's Representative

- Advised that the proposed rezoning is being requested in order to facilitate an addition to the "Collett Manor" project.
- Provided an overview of the proposed development project.
- Provided an overview of the green space being proposed for the project.

There were no further comments.

- 3.4 Official Community Plan Bylaw Amendment Application No. OCP12-0008 and Rezoning Application No. Z12-0052 - Heinz Strege - 2219 Mayer Road - THAT Official Community Plan Bylaw Amendment No. OCP12-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the Resource Protection Area (REP) designation to the Single/Two Unit Residential (S2RES) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated October 5, 2012, be considered by Council;

AND THAT Rezoning Application No. Z12-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the A1 - Agriculture zone to the RU6b - Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Building Permit and Unconditional Occupancy permit by the Building & Permitting Department;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant which restricts the occupancy of the dwelling to 15 persons;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Regional District of Central Okanagan being met;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Natural Environment and Farm Protection Development Permits.

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

- o Letters of Opposition:
  - Lester, Lindsey & Celeste Ganassin, 2230 Mayer Road
  - Debbie Robson, 2260 Mayer Road
  - Patricia Durette, 2229 Mayer Road
  - Velma Casorso, 2240 Mayer Road
- o Petition of No Objection:
  - Petition of 8 signatures as submitted by the Applicant "with no objection to the rezoning of 2219 Mayer Road to RU6b for Seniors 55+ facility as long as the City of Kelowna and the owner place a restricted covenant over the property...registered on title...restricting the use to a seniors development only".

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

City Clerk:

- Provided an overview of the Bylaw Enforcement infractions with respect to the subject property.
- Confirmed that the Applicant has paid any outstanding fines and that he has been co-operating with Bylaw Enforcement staff.

Public Hearing

November 13, 2012

Heinz Strege, Applicant

- Would like to rezone the property to RU6b so that he can develop the existing residence into a Seniors Retirement Living complex.
- Advised that he is proposing 15 units for the site.
- The existing residence meets all the requirements for building and parking.
- He is prepared to make improvements to the existing location by renovating the building, landscaping the site and building additions to provide a quality facility for Seniors.
- He is prepared to install sanitary sewer and domestic water to service the site. He is also prepared to install sidewalks, storm sewer and curb & gutter in front of the property.
- Confirmed that he has full intentions of developing the property as described, however, in order to give his neighbours peace of mind, he would like to register a restrictive covenant on title which would allow the development of the existing residence to be for a Seniors Residence only.
- Submitted his speaking notes for the record.
- Advised that he would like to have the development completed by May 1, 2013.
- Responded to questions from Council.

## Gallery:

Peter Klimuk, 1027 Harvey Avenue

- Advised that he is speaking on behalf of his client, Gordon Ziglar, the owner of 2424 Mayer Road.
- Advised that Mr. Ziglar supports the proposed rezoning and submitted Mr. Ziglar's Letter of Support for the record.

## Staff:

- Confirmed that the subject property is within the Agricultural Land Reserve, however it is not subject to the Agricultural Land Commission's regulations.

Pat Durette, 2229 Mayer Road

- Opposed to the rezoning.

## Staff:

- Confirmed that notices have been registered on title to address any Building Code infractions. Any Building Code infractions will have to be remedied by the Applicant whether or not the zoning is approved by Council.

Heinz Strege, Applicant

- Confirmed that he had previously applied for Building Permits for the subject property, however, any proposed renovations were not carried out as he and his previous partners could not agree on what to do with the property, and consequently, the Building Permits expired.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:30 p.m.

Certified Correct:


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 Mayor

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 City Clerk

SLH/dld

Regular MeetingNovember 13, 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, November 13<sup>th</sup>, 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: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; 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. PRAYER

A Prayer was offered by Councillor DeHart.

3. CONFIRMATION OF MINUTES

Public Hearing - October 30, 2012  
Regular Meeting - October 30, 2012

Moved by Councillor Hobson/Seconded by Councillor Singh

R991/12/11/13 THAT the Minutes of the Public Hearing of October 30, 2012 and Regular Meeting of October 30, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10768 (Z12-0047) - 0872645 BC Ltd. and Onkar Singh & Ranjit Kaur Dhillon - 857 & 885 Mayfair Road

Moved by Councillor Basran/Seconded by Councillor Singh

R992/12/11/13 THAT Bylaw No. 10768 be read a second and third time.

Carried

4.2 Bylaw No. 10771 (Z12-0051) - Heinz Strege - 1460 Graham Road

Moved by Councillor Hobson/Seconded by Councillor Singh

R993/12/11/13 THAT Bylaw No. 10771 be read a second and third time.

Carried

Regular MeetingNovember 13, 2012Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R994/12/11/13** THAT, prior to final adoption of Bylaw No. 10771, a Section 219 Restrictive Covenant be registered on title, in a form acceptable to the Land Use Management Department, restricting the use of the subject property to a seniors (55+) development only.

Carried

- 4.3 Bylaw No. 10772 (OCP12-0013) - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Basran

**R995/12/11/13** THAT Bylaw No. 10772 be read a second and third time.

Carried

- 4.4 Bylaw No. 10773 (Z12-0054) - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue

Moved by Councillor Stack/Seconded by Councillor Given

**R996/12/11/13** THAT Bylaw No. 10773 be read a second and third time.

Carried

- 4.5 Bylaw No. 10775 (OCP12-0008) - Heinz Strege - 2219 Mayer Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Given/Seconded by Councillor Zimmermann

**R997/12/11/13** THAT Bylaw No. 10775 be read a second and third time.

Carried

Councillors Given, Hobson, Singh and Stack - Opposed.

- 4.6 Bylaw No. 10776 (Z12-0052) - Heinz Strege - 2219 Mayer Road

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

**R998/12/11/13** THAT Bylaw No. 10776 be read a second and third time.

Carried

Councillors Given, Hobson, Singh and Stack - Opposed.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R999/12/11/13** THAT, prior to final adoption of Bylaw No. 10776, a Section 219 Restrictive Covenant be registered on title, in a form acceptable to the Land Use Management Department, restricting the use of the subject property to a seniors (55+) development only.

Carried



Regular MeetingNovember 13, 2012

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

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 1,332 letters to the owners and occupiers of the surrounding properties between October 26, 2012 and November 2, 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. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Land Use Management Department, dated October 15, 2012 re: Development Variance Permit Application No. DVP12-0176 - Todd Dewolfe (Chris Vickery) - 801 Saucier 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 City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Concern:
  - Dr. Martin Blum & Dr. Daniela Hempen, 768 DeHart Avenue

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

Todd DeWolfe, Owner

- Advised that he has reviewed the Letter of Concern submitted by Drs. Blum & Hempen. Based on the contents of the letter, he believes that the Drs. are actually concerned about the carriage house and not the variance being requested.

Gallery:

Rich Turley, 809 Saucier Avenue

- Advised that the proposed driveway will run parallel to his property line.
- Advised that Mr. DeWolfe has been working with him throughout the application process in order to keep him informed and mitigate any privacy concerns he may have.
- Advised that he fully supports the requested variance.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1000/12/11/13 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0176 for Lot 9, Block 2, District Lot 138, ODYD, Plan 7117, located at 801 Saucier Avenue, Kelowna, BC;

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

Regular MeetingNovember 13, 2012**Section 13.6.6(d): Development Regulations**

To vary the minimum required side yard from 3.0m required to 2.88m proposed (as per Schedule A).

Carried

- 6.2 Land Use Management Department, dated October 17, 2012 re: Development Variance Permit Application No. DVP12-0164 - Ondrej & Jennifer Par - 964 Coronation Avenue 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.

**Staff:**

- Advised that since the drafting of the Report to Council, structural issues were discovered and subsequently the old residence was demolished. A new structure is being constructed on the site using the existing foundation.

The 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.

**Jennifer Par, Applicant**

- Advised that she purchased the property in the spring of 2012.
- Advised that she applied for the variance with the intention of legalizing the non-conforming west side yard setback.
- Advised that during construction of the renovations, it was discovered that there was severe structural issues with the structure and subsequently the structure had to be demolished. A new structure will be constructed using the old foundation.
- Confirmed that she canvassed the neighbourhood and obtained signatures in support of the proposal.
- Displayed the Petition of Support and indicated where the signatories on the Petition reside. Submitted the Petition of Support for the record.
- Responded to questions from Council.

**Graham Par, Applicant's Father-in-Law**

- Provided an overview of the proposed design of the new structure.
- Responded to questions from Council

There were no further comments.

Moved by Councillor Zimmermann/Seconded by Councillor Stack

**R1001/12/11/13** THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0164, for Lot 30, District Lot 139 and of Section 30, Township 26, ODYD District Plan 1271, located on Coronation Avenue, Kelowna, BC;

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

**Section 13.1.6(d) Development Regulations:**

To vary the west side yard setback from 2.0m required to 1.2m proposed, as per schedule "A".

Carried

- 6.3 Land Use Management Department, dated October 17, 2012 re: Development Variance Permit Application No. DVP12-0156 - Stephen & Donna Krysko (Davara Holdings Ltd.) - 5462 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 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

**R1002/12/11/13** THAT Council authorize the issuance of Development Variance Permit No. DVP12-0156 for Lot 1, Section 22, Township 28, SDYD Plan EPP15367 located at 5462 Lakeshore Road, Kelowna, BC;

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

**Section 12.1.6(a) RR1 Development Regulations**

Vary the maximum site coverage from 10% permitted to 17% proposed, as per schedule "A";

**Section 12.1.6(d) RR1 Development Regulations**

Vary the minimum side yard setback from 3.0m required to 1.2m proposed as per schedule "A"; and

**Section 7.5.9 Fencing and Retaining Walls**

Vary the maximum height of a retaining wall from 1.2m permitted to 2.4m proposed as per schedule "B".

Carried

- 6.4 Land Use Management Department, dated October 18, 2012 re: Development Variance Permit Application No. DVP12-0159 - Green Projects Ltd. - 570-600 Sarsons 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.

Councillor Hobson advised that when the subject property was being rezoned, he had declared a conflict of interest as he owned property within the notification area of the subject application, however, he has since sold the property and therefore he no longer has a conflict of interest.

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

- o Letters of Concern:
  - Ted Vardalos, 203 - 600 Sarsons Road
  - Darlene Loughlean, 6 - 570 Sarsons Road

Regular MeetingNovember 13, 2012

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

Andrew Gaucher, Applicant's Representative

- Advised that the variances being proposed are driven by market changes.
- Provided an overview of the requested variances.
- Provided an overview of the public consultation process followed with respect to the requested variances.
- Confirmed that the development originally contained 3 phases, however, due to market conditions, it has been determined that the development will now require 5 phases.

Gallery:

Property Owner, 600 Sarsons Road

- Expressed a concern that the proposed new townhomes will not be of the same quality as what has already been constructed.
- Advised that this is the first time has he seen a rendering of the proposed townhomes.

Ksenia Beaumier, 13 - 570 Sarsons Road

- Expressed a concern that the proposed new phases may de-value her property.
- Expressed a concern with the proposed density.
- Believes that what is being proposed is not what the developer promised when she purchased her property.
- Expressed a concern with drainage in the area.
- Expressed a concern that the new townhomes will not be of the same quality as what has already been constructed.
- Advised that this is the first time has he seen a rendering of the proposed townhomes.

Darlene Loughlean, 6 - 570 Sarsons Road

- Believes that there has been a total lack of communication between the developer and the strata property owners.
- Expressed a concern that the new townhomes may not be on a geothermal system as the present geothermal system is not functioning properly.
- Expressed a concern with the signage on the property.
- Advised that she is not concerned about the setback variances, but that she is concerned with the proposed selling price for the new townhomes as she fears a lower selling price will de-value her property.
- Expressed a concern that the proposed townhomes are smaller and more compact than the other townhomes on the site.

Andrew Gaucher, Applicant's Representative

- Addressed some of the concerns raised by the interveners as they relate to the form and character, and the proposed phases, of the development.
- Responded to questions from Council.

Staff:

- Advised that the Development Permit for the additional townhomes will be handled at a staff level and will be dealt with as a minor amendment to the original Development Permit that was previously issued.

Ksenia Beaumier, 13 - 570 Sarsons Road

- Expressed a concern regarding the amenities for the site as she believes that a higher density should require more amenities.

There were no further comments.

Regular MeetingNovember 13, 2012Moved by Councillor Blanteil/Seconded by Councillor Zimmermann

**R1003/12/11/13** THAT Council authorize the issuance of Development Variance Permit No. DVP12-0159, for Lot A, District Lot 167, ODYD Plan KAP78531 except Strata Plan KAS3313 (Phases 1 and 2), located on Sarsons Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted (as per schedule "A"):

**Section 13.9.6(e): Development Regulations (RM3 zone)**

To vary the west side yard setback from 4.5m permitted to 1.5m proposed;

**Section 13.9.6(e): Development Regulations**

To vary the north side yard setback from 4.5m permitted to 4.47m proposed;

**Section 13.9.6(d): Development Regulations**

To vary the front yard setback from 4.5m permitted to 2.2m proposed;

**Section 7.6(b): Minimum Landscape Buffer**

To vary the required minimum landscape buffer from 3.0m to 2.2m proposed for the east side yard.

AND FURTHER THAT the Development Variance Permit issuance be withheld pending a revised phasing plan to the satisfaction of the Subdivision Approving Officer.

Carried

7. REMINDERS

Mayor Gray:

- Advised that the 2014 Budget meeting has been tentatively scheduled for December 19, 2013 and inquired if Council wishes to change the date to December 12, 2013.
- The 2013 Council Meeting Schedule will be considered by Council on Monday, November 19, 2012, and requested that Council consider changing the Budget meeting date from December 19, 2013 to December 12, 2013.

8. TERMINATION

The meeting was declared terminated at 8:51 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/dld