

City of Kelowna  
Regular Council Meeting  
AGENDA



Tuesday, August 27, 2013  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer  

A Prayer will be offered by Councillor Hobson.
3. Confirmation of Minutes 1 - 25  

July 30, 2013 Public Hearing  
July 30, 2013 Regular Meeting  
August 13, 2013 Public Hearing  
August 13, 2013 Regular Meeting
4. Bylaws Considered at Public Hearing
  - 4.1 Bylaw No. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline, Mary & Carl Maloney 26 - 26  

To give Bylaw No. 10874 second and third readings.
  - 4.2 Bylaw No. 10881 (Z13-0026) - 330 Taylor Road, Comfort Crafted Homes Inc. 27 - 27  

To give Bylaw No. 10881 second and third readings.
5. Notification of Meeting  

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Liquor License Application Reports
  - 6.1 Liquor License Application No. LL13-0003 - 293-297 Bernard Avenue, Viewcrest Estates Ltd. 28 - 35  

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the proposed liquor primary license to come forward.**  
This application seeks Council's support for a Liquor Primary License for a new

liquor primary establishment located on the subject property.

7. Development Permit and Development Variance Permit Reports

7.1 Development Variance Permit Application No. DVP13-0092 - 2261 Wilkinson Street, Brian & Sonya Arrance

36 - 44

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the proposed variance license to come forward.**

A Development Variance Permit is sought to allow greater site coverage for buildings, driveways and parking than permitted by the Zoning Bylaw.

8. Reminders

9. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, July 30, 2013  
 Time: 6:00 pm  
 Location: Council Chamber  
 City Hall, 1435 Water Street

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

Staff Present Acting City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Planner, James Moore\*; Manager, Development Engineering, Steve Muenz\*; Manager, Sport & Event Development, Don Backmeyer\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:01 p.m. 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.

### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on July 16, 2013 and by being placed in the Kelowna Capital News issues of July 19, 2013 and July 23, 2013, and by sending out or otherwise delivering 213 letters to the owners and occupiers of surrounding properties between July 16, 2013 and July 19, 2013. 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.

### 3. Individual Bylaw Submissions

#### 3.1. Bylaw No. 10864 (OCP13-0013), Bylaw No. 10865 (Z13-0021) & Bylaw No. 10866 (Road Closure) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd.

Staff:

- Summarized the application before Council.

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

- **Letter of Opposition:**
  - Chris Greenway, 453 Groves Avenue
- **Letters of Support:**
  - Bob and Rachel Whitehead, 3010 Abbott Street
  - John Mardall, # 6 - 3775 Springbrook Road
- **Letters of Conditional Support:**
  - Carol and Joe Czech, 431 Newsom Avenue
  - Robert and Jennifer Moore, 430 Newsom Avenue
- **Letters of Concern:**
  - Jack and Carol Campos, 426 Newsom Ave
  - Roy Hulse, 3672 Luxmoore Road

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

Carl Meiklejohn, Meiklejohn Architects, Applicant, 232 Bernard Avenue

- Provided a Power Point Presentation
- Summarized the project, including the original plan started in 2009, recent challenges, and the proposed new direction with a new contractor and management team in place.
- Commented that the main issue is commercial tenancy.
- Pursuing national tenants which require a review of parking, including how to maximize it and maintain all the good qualities.
- Commented that current zoning is multi family residential, medium density and that public parking in the area is tight.
- Outlined public consultation process, input from our neighbours.
- Reviewed many options and layouts and believe the proposal for an addition of 60 stalls is a good solution.

Gallery:

Richard Burroughs, 2425 Taylor Crescent, President of KLO Neighbourhood Association

- Executive has met with Sopa Management Team, and is pleased they are back on track with plans for the mixed use village.
- In support of rezoning and parking.
- Suggested Council look at all avenues of increasing parking in this part of town, including perhaps a second tier on the current flat lot which would help with immediate parking needs in the area.

Lars Patta, 2708 Bath Street

- Lives in close proximity to development.
- Suggested off street parking in the area would impede traffic flows as there would not be enough room for traffic to go thru.
- Believes parking off street has to be provided if commercial is allowed along that road.

Robert Moore, 430 Newsom Avenue

- Displayed photographs of the area around his home and the subject property.
- Lives next to the building site and is pleased to see Sopa Square moving forward.
- Commented that his young family enjoys the neighbourhood and is not opposed to the parking lot.
- Would like to suggest there be no entry or exit along Newsom Avenue, and proposed introducing a hammerhead design at the end of the street adjacent to the proposed parking lot.
- Believes that services such as garbage removal would not be affected.
- Suggested additional Emergency services access be provided by erecting bollards between the street and proposed parking lot.
- Proposed that as there are currently no City services provided in the lane between Newsom and Groves, this part of the lane be closed; similar situation to the lane closure from Abbott and Rose by KGH.
- Requested protection from noise and security issues could be provided through a buffering wall, proper landscaping, and public lighting in the parking lot that is sensitive to neighbours.
- Is supportive of the requested land use.

Staff:

- Commented that the lane is being used by a property to the west of the parking lot which obligates the City to service the garage structure.
- Commented that staff has concerns with a proposed hammerhead on Newsom.

Brenda Wilkinson, 453 Groves Avenue

- Indicated support of Sopa and the proposed parking lot, however, concern since the development started has been the increase in traffic.
- Questioned the safety in the area if there is too much traffic.
- Inquired whether or not traffic could go onto Groves from parking lot.
- Supports the concept of bollards put in at the lane as it would be nice to have some peace and quiet from traffic.
- Suggested a traffic study be undertaken.
- Is the property with a garage on the lane that was referenced by staff.
- Would remove garage doors as the structure is currently used for storage.
- Supports the proposed bollards.

Carl Meiklejohn, Meiklejohn Architects, Applicant, 232 Bernard Avenue

- Clarified that a two storey parkade structure is not financially viable.
- Is supportive of closing lanes as suggested and will work with both the City and neighbours to pursue options.
- Proposed lighting will be sensitive to neighbours, and is designed to be projected from the building in a downward position.
- Provided information on the community car share co-op amenity, which is made possible with the surface parking.
- Confirmed that there will be a no build covenant registered.

There were no further comments.

3.2. Bylaw No. 10869 (OCP13-0009), Bylaw No. 10870 (Z13-0015) & Bylaw No. 10845 (Road Closure) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Staff:

- Summarized the application before Council.
- Advised that there is no build Covenant on the property.

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

- **Letters of Opposition:**
  - Jillian Stamp and James Williams, 2083 Abbott Street
  - John and Marion Mardall, #6 - 3775 Springbrook Road
  - Graham March, 459 Glenwood Ave
  - Sharon Shepherd, 410 Viewcrest Road
- **Letters of Concern:**
  - Michael Griffin, 2021 Abbott Street
  - Thomas Hawrelak, 1052 Wintergreen Drive
  - Kevin Bos, 1862 Maple Street.

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

Doug Lavell, Interior Health Authority, Applicant

- Provided a Power Point Presentation: P1 Zone - Royal Avenue Property KGH outlining the proposal to rezone additional lands for use as parking at KGH.
- Commented on Interior Health's challenge being parking shortages and traffic impacts; existing parking location at south end of campus; construction limitations; coming up with potential solutions that deal with multiple parking issues.
- Confirmed a restrictive use covenant is agreed to by IHA; property can only be used as surface parking, if sold the new owner would be subject to same limitations.
- Provided background on parking needs including; increasing emergency visit levels; current parking inventory 1064 stalls, management staff parking waitlist presently has 362 names; master plan provide for broad parking needs in terms of changes in service; current estimate for 2020 requirements is about 1460 parking stalls.
- Noted that there is a challenge to balance these broader needs, however, the intention is to create at least 90 parking stalls to support emergency activities, patients and visitors, and on call staff and physicians.
- Confirmed the lot will be a paid parking lot; a strategy for managing the lot has not yet been defined.
- Confirmed that IHA will be meeting with the neighbours regarding the height of the fence, which is yet to be determined.
- Provided information on information meetings held with the neighbourhood and community.

Gallery:

Jillian Staff, 283 Abbott Street

- Not supportive of the application.
- Concerned that there will be no way to monitor parking for emergency patients use.
- Not supportive of further encroachment on the Heritage Conservation area.
- Believes IHA expansion should be north and not east.

Wally Lightbody

- Noted the original heritage home was built by Mr. Wassen.
- Does not believe the Wassen House should be moved or destroyed, rather used as a doctor's office or other auxiliary use.

- Believes heritage House should be preserved and that IH use only the other 2 lots where houses have already been demolished.
- Believes there should be some consideration of meeting parking demands, but not where they are suggesting.

Lars Padda, 2708 Bath Street

- Believes the proposed parking lot should be made available for those arriving at emergency entrance to the hospital.
- Recommended a ticket given to the driver of a patient for emergency as they arrive that guarantees they do not have to pay for their parking.

Jason Broome 360 Royal Avenue

- Strongly opposed to the application.
- Believes this is not about emergency parking, rather poor planning on part of IHA with more than 20 years of parking deficit.
- Suggested the proposed parking lot will be yet another building.
- Believes that IHA needs to present a comprehensive plan on how to immediately deal with their parking deficit.
- Propose a parkade be constructed within IHA land's existing footprint.
- Suggested a registration process to ensure these spots are dedicated for emergency users only.
- Believes more needs to be done to buffer between the hospital zone and the neighbourhood.
- Believes resident only parking is a must in the neighbourhood.
- Provided information on a survey of the neighbourhood.

Kevin Boss, 1862 Maple Street

- Owner and landlord of 430 Royal Avenue.
- Believes a parking lot in this area is a must and is supportive of the application with assurances they endorse, and recreate a transitional buffer with the neighbourhood.
- Believes buffer could be addressed through zoning changes compatible with the neighbourhood; suggested HD2 or some variation.
- Believes to address the issue of parking, IHA should approach willing sellers.
- Believes living on Royal Ave is no longer realistic, and that creating a buffer zone that Royal Ave once had, prior to 2005, is necessary.
- Suggested parking can be buffer if there is a no build covenant and substantial trees are planted along the north edge for those on Glenwood; this type of transition makes it permanent.

Dr. Tom Callahan, Physician, 408 Royal Avenue

- Owned property before heritage zoning went thru.
- Bought specifically next to KGH for physician offices.
- Believes ongoing expansion is unheralded in Canadian history including due to its location on a side street of a city, with a high water table, and Emergency on a side street in a residential area.
- Believes physicians need to have access to patient and families.
- Suggests developing physician offices around the hospital would be very desirable; convenient for patients; and could lead to preservation of heritage buildings.
- Suggested an OCP amendment for redevelopment of heritage homes to office space.
- In support of the proposal, but agrees it will be difficult to designate parking spots for emergency use only.
- In favour of 3 lots for patients, but would encourage looking around the perimeter of the hospital to create permanent buffering for the neighbourhood.
- Believes a registration system for parking across from emergency should not be an issue.

Laura Hooker, 445 Glenwood

- Indicated apprehension with this proposal.
- Unsure of what future zoning applications may be, and what the future look of those properties would be if they were sold.
- Not necessarily against the proposal, but would like any development done in a sensitive way that will not encroach on the rest of the neighbourhood.

Debbie Helf, 1813 Marshall Street, President, Kelowna South Central Neighbourhood Association

- Provided background on the South Central Structure Plan (1993) that designated the Heritage Plan, the Heritage Management Plan (1995), and the OCP amendment in 1998 following provincial government legislation that gave municipalities approval to do heritage conservation.
- Believes this heritage area is a treasure to Kelowna, similar to Big White, Vineyards, etc.
- Concerned that people may erode this precious treasure to Kelowna's heritage.

Ron McClain, 1850 Abbott Street President of FRACAS

- Commented on the changing quality of life for residents in the Pandosy Street to Long Street, Royal Avenue to Glenwood avenue area.
- Provided background on FRACAS activity and involvement in IHA's public meetings.
- Commented that parking issue is far more dynamic and to limit the proposed lot to emergency parking only will leave parking problems on the street.
- Believes if more buildings are built by IHA, there will be more staff and visitors trying to park in this area.
- Suggested building a 10 foot solid fence to help restrict light, noise etc from surrounding neighbours.
- Believes there needs to be a parking lot and a very good buffer zone, if you allow parking lot (all 3 lots) it is a 3 million build.
- Clarified that IHA has taken into account what FRACHAS has suggested.
- Believes a buffer zone from Pandosy to Long through HD3 zoning could lead to re-purposing of existing homes to medical offices.
- Believes the existing back alley is a natural buffer for any zoning changes.

Acting City Manager:

- Confirmed that staff has proposed a planning exercise including public consultation with IHA, neighbours and Residents Associations to determine appropriate transitional areas and prepare recommendations on land use and policy.
- Confirmed that staff will engage IHA further and respond back to council for direction.

Dorothy 381 Glenwood Avenue

- Believes no one wants a parking lot.
- Strongly urged to consider enforcement for emergency use only by patients and visitors.
- Believes IHA needs to ensure there is proper parking facilities provided for staff.
- Suggested resident only parking for a 2 block perimeter around the hospital.

Dr. Lawrence Berg, 465 Glenwood Avenue

- Believes these properties need to be a parking lot and feels there have been good solutions offered thus far.
- Clarified this position is based on only a parking lot and not a parkade.
- Believes this area could accommodate other uses, including doctor's offices, with some kind of buffer zone with mixed use.
- Suggested parking from Pandosy to Long would not work as there is a need to protect heritage values.
- Believes a 90 stall parking lot would not be full if only used for Emergency.
- Believes Resident Only parking should be considered in the area.
- Was in support of positive comments by others with respect to creating a buffer zone.



John Graham, 361, 351 Glenwood Avenue

- Provided background on a petition in the 300 and 400 block to establish curbs and gutters.
- Believes that rounded curbs for access to boulevards be implemented.
- Concerned with the number of people parking in the area getting upset with residents trying to access their properties.

Richard, 475 Glenwood Avenue

- Stated that there are 6 residents who will be immediately affected by the parking lot.
- Requested that there be assistance to help keep their quality of life.
- Commented on living with the uncertainty of where lines will be drawn.

Doug Lavell, Interior Health Authority, Applicant

- Reinforced the key issue behind this proposal is to address the need for emergency parking.
- Believes there were good suggestions, including the notion of working around the house is something that could be considered.
- Referred to the land strategy for IHA; currently there are no future land acquisitions on Royal Avenue; and owners of 5 properties south on Christleton.
- Indicated green space to go with expanded parking has multiple benefits but would come with a cost.
- Confirmed that IHA would agree to an initial meeting with City staff to determine what the City would like to know about IHA strategy to assist in planning for the area.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 8:53 p.m.

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Mayor

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*Deedham*

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Deputy City Clerk



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 30, 2013  
 Time: 9:13 pm  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil Maxine DeHart\*, Gail Given, Robert Hobson, Mohini Singh and Luke Stack.

Council Members Absent: Councillor Gerry Zimmermann

Staff Present: Acting City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble; Planner, James Moore\*; Development Engineering/Subdivision Manager, Steve Muenz; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 9:13 p.m.

### 2. Prayer

A Prayer was offered by Councillor DeHart.

### 3. Confirmation of Minutes

**Moved By: Councillor Hobson/Seconded By: Councillor Stack**

**R529/13/07/30** THAT the Minutes of the Public Hearing and Regular Meeting of July 16, 2013 be confirmed as circulated.

**Carried**

#### 4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10864 (OCP13-0013) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd.

Council:

- Suggested staff speaks with the Applicant regarding the use of bollards as a temporary barricade for privacy at Newsom Avenue.

Moved By: Councillor Stack/Seconded By: Councillor Given

R530/13/07/30 THAT Bylaw No. 10864 be read a second and third time.

Carried

- 4.2. Bylaw No. 10865 (Z13-0021) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd.

Moved By: Councillor Given/Seconded By: Councillor Stack

R531/13/07/30 THAT Bylaw No. 10865 be read a second and third time.

Carried

- 4.3. Bylaw No. 10869 (OCP13-0009) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Moved By: Councillor DeHart/Seconded By: Councillor Stack

R532/13/07/30 THAT Bylaw No. 10869 be read a second and third time.

Carried

- 4.4. Bylaw No. 10870 (Z13-0015) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Moved By: Councillor Given/Seconded By: Councillor DeHart

R533/13/07/30 THAT Bylaw No. 10870 be read a second and third time.

Carried

#### 5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of these Temporary Use Permit and Development Variance Permit Applications was given by sending out or otherwise delivering 977 letters to the owners and occupiers of the surrounding properties between July 16, 2013 and July 19, 2013.

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. Development Variance Permit Application No. DVP13-0032 - 2273 Aberdeen Street, Valerie Spring

Staff:

- Summarized the application before Council and staff position of non-support.

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

- **Letter of Support:**
  - Joanne Bayley, 22667 Aberdeen Street

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

Valerie Spring, Applicant, 2273 Aberdeen Street

- Understood originally from City staff that there was sufficient parking for a home based business.
- Commented that the property is one of the nicest homes on the block which has encouraged others in the neighbourhood to consider xeriscaping and other improvements along the street.

Staff:

- Confirmed that Council can waive home base business parking and that there is no minimum stall length.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

**R534/13/07/30** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0032 for Strata Lot 1, DL 136, ODYD, Strata Plan KAS3174 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on located on 2273 Aberdeen Street, Kelowna, BC;

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

**Table 8.1: Parking Schedule**

Vary the parking required for a Home Based Business, Major, from “1 in addition to that required for the principal dwelling” to “zero additional parking stalls to that required for the principal dwelling.

Carried

### 6.2. Development Permit Application No. DP13-0052 and Development Variance Permit Application No. DVP13-0094 - 2280 Baron Road, Victor Projects Ltd.

Staff:

- Summarized the application before Council.

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

- **Letters of Concern:**
  - Grant Gair, 316 Durnin Road
  - Janeen Driedger, 507 - 1947 Underhill Street
- **Letter of Conditional Support:**
  - Phyllis Andersen, 105 - 1950 Durnin Road
- **Letter of Support:**
  - Dave Skoglund, 1820B Benvoulin Road

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

Mr. Miller, Victor Projects, Applicant

- Provided a brief history of site. The site was originally leased to Loblaws. In 2002 Loblaws expanded the store; lands have been turned back to Victor Projects to develop originally planned infill.
- Commented that the original site was oriented and developed as an auto intense site.
- Provided information on discussions with staff and enhancements that are meant to integrate and provide more pedestrian interface, including benches, weather protection, change in materials, and improvements to front of buildings.
- Indicated that the proposal would complete the site to its 1996 vision.

Gary, PC Urban, Development Manager

- Stated the primary focus for the proposal is to ensure that upon completion it works for the tenants.
- Believes the location is a key factor as it is an established destination location that has been densified with similar developments.
- Commented on the strength of the tenants, TJ Max family, the Keg.
- Believes over 95% will come to the site by car and that there is little pedestrian flow.
- Commented that they are maximizing density without underparking and that parking must be convenient to the tenants' door.
- Noted that there is no street parking on Baron Rd.
- Provided information on the challenges and proposed landscaping and treatments for the Baron Rd corner.
- Commented on the existing trees, which are on private property, will provide an enhanced buffer.
- Suggested the plans were not large enough to show the pedestrian linkages, the height of the trees over and above the building height; and landscaping detail.
- Believes concerns for a stronger urban design that residents will be more proud of is possible.
- Indicated there are plans for re-designing the parking lot with Loblaws and that the goal was to redo the parking lot at the same time as this development permit.

Andrea Jansen, on behalf of The Keg Restaurant

- Noted that the Keg standard for parking is 125 stalls, however the ratio of 97 proposed is acceptable as there is a joint and shared parking agreement with Loblaws and Marshalls.
- Confirmed there will be approximately 300 seats in the restaurant and the Keg will employ between 70 and 80 people.
- Parking is required for both customers and staff.
- Concerned with safety of staff following the late night closure of the restaurant and lack of transit options in the area.

Gallery:

John, #6 - 3775 Springbrook Road

- Not supportive of the proposal.
- Supports the Keg restaurant but believes the rest of the site plan is very dismal.
- Suggested they need to do what they did for the Keg on the corner.
- Suggested they redevelop the shared parking area.

Donna Thompson, #102 - 1964 Durnham Road

- Believes part of the problem with the application is poor drawings.
- Suggested the applicant needed to show the design better.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

**R535/13/07/30** THAT Council defer authorization of Development Permit No. DP13-0052 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road;

AND THAT staff forward an amended application of Development Permit No. DP13-0052 for consideration at a future Monday, Regular PM meeting of Council

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0094 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road, Kelowna, B.C.;

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

**Table 8.1 - Parking Schedule**

Vary parking from 100 stalls permitted to 231 proposed as shown on Schedule A.

Carried

**6.3. Temporary Use Permit Application No. TUP13-0004 - 3050 Abbott Street, City of Kelowna**

Councillor Hobson declared a conflict of interest as family members live in the area and departed the meeting at 11:17 p.m.

Staff:

- Summarized the application before Council.

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

- **Letter of Conditional Support:**
  - Chris Greenway, 453 Groves Avenue
- **Letters of Concern:**
  - Bob and Rachel Whitehead, 3010 Abbott Street
  - Chris Sjodin, 3060 Abbott Street
  - Jacinta Adam, 3070 Abbott Street
- **Letters of Opposition:**
  - Brian Sprout, 3020 Abbott Street (2)
  - Carol and Joe Czech, 431 Newsom Avenue

- **Letters of Support:**
  - Don Mulhall, 860 Argyle Street, Penticton, BC, Penticton Racing Canoe Club
  - John Edwards, #705-2197 promenade Riverside Drive, Ottawa, Canoe Kayak Canada
  - Lynda Roberts, 6449 Crowchild Trail SW, Calgary, Calgary Canoe Club
  - Leanne Stanley, 2481 Alexandria Way
  - Mary Jane Abbott, 102A - 11410 Kingston Street, Maple Ridge, Canoe Kayak BC
  - Steve Frisch, 115 - 2940 Jutland Road, Victoria, Go Rowing and Paddling Association of Canada
  - Gayle Hertz, 2691 Casa Loma Road
  - Shane Worman, 340 West Avenue
  - Kevin Kingston, 1870 Maple Street
  - Lynne Baillie, 486 Bayhill Place
  - Cindy Wright, 745 Ardmore Drive North Saanich, Canadian Outrigger
  - Peter Schultz, PO Box 24076 Kelowna, Rotary Club of Kelowna
- **Form Letters of Support:**
  - 212 Submitted by the applicant.

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

#### Joey Hertz, Applicant

- Provided background on the initiative involving three disciplines, with the outrigger canoe club taking the lead.
- Long term goal to include dragon boat, rowing and Kelowna canoe and kayak communities.
- Noted this is a community request that is based on a pilot project to confirm proof of the concept.
- Believes the center will evolve over time and that this is the best temporary location as it is already fenced for equipment that needs to be on site, it provides a level entry into the lake, is a central location.
- Provided a summary of the public engagement process undertaken by the proponents of the proposal and displayed a map of area residents consulted.
- Read a letter of support from the Rotary Club of Kelowna and submitted it as correspondence.
- Addressed concerns raised by some of the residents.
- Washrooms on site will not be open to the public; be primarily for changing and emergency use;
- Use new chemicals that reduce odour in hot temperatures; and will be emptied weekly
- 18 onsite parking stalls will be supplemented by off site parking and member support to use alternate transportation, including "peddle to paddle";
- Conditions of the temporary use permit include signing a good neighbour policy, adherence to an 8am-8pm quiet time; and keyless lock systems.
- Will be a community facility open to different paddling disciplines and the public through memberships and rentals.

#### Gallery:

##### Rachel Whitehead 3010 Abbott Street

- Wanting to save this beautiful site to the best of their ability.
- Concerned with potential growth of the centre and extra demand for parking.
- Commented on the size of the outrigger canoes, and the situation on the site of storage and parking that may affect mature trees on the site.
- Raised concern with increased traffic and safety.
- Feels this is the wrong location.
- Believes this area is owned by, and should be used for, all members of the community.
- Suggested Kinsmen Park as an alternative to the proposed site

- Concerned the temporary use may become permanent.

#### Michael Neill, Watt Road

- Kayak daily thru the summer and supports this activity.
- Is opposed to this proposal due to the location.
- Noted that the proposed lot has been vacant and fenced for many years.
- Believes this is delaying another 3 to 6 years any plans for the area.
- Recommended Kinsmen Park as a great location for this project.

#### Richard Burroughs, KLO Residents

- The KLO Residents Association executive met with the proponents and attended the open house
- Commented on the future of Pandosy village by the Lake.
- Believes this group is a potential neighbour and partner in the area.
- Noted the limitations of a temporary use and indicated concern with a 3yr-6yr plan.
- Suggested a longer term vision and plan be accelerated to provide for these type of opportunities
- Sees this proposal as reinforcement for the need of a better plan and new vision for the area.
- Commented on some relationship and stewardness issues; parking.
- Is supportive of the proposal.

#### Brian Sprout, 3020 Abbott Street

- Owns property at Spiers road.
- Opposed to the proposed location in the neighbourhood.
- As a kayaker, believes a longer term plan is required to manage potential growth and events.
- Believes Kinsmen is underutilized and noted that when kayaking earlier, there were no other people in Kinsmen park between 9:00 am and 11:00 a.m.
- Believes the \$2500 being spent for parking could be used to get the sea wall down at Kinsmen.
- Suggested this site be made a public beach access.
- Believes putting 2 containers on the site will be noisy for the neighbours.
- Suggested the club start off on right foot in Kinsmen Park.

#### Bob Purdy 1360 Glenmore Drive

- Involved with stand up paddling, racing and surfing for many years and provided background on the growth of the sport for kids and adults.
- Supportive of the Temporary Use Permit.
- Believes the proposal makes great sense and provides an opportunity for shared resources.
- Suggested Kinsmen as a temporary location, with the removal of the rock sea wall may result in environmental damage.
- Would like to see a long term plan for Cedar ave include a permanent facility for paddling.
- Feels the centre is a place to gather and provides a sense of community.
- Believes in this concept very much and will donate a board for the kids programs.

#### Sandra Mowat, .2265 Shannon Lake Drive

- Supports the application.
- Noted that seven people in the gallery compete on the world stage in paddling
- Has found a community with the paddling group in Kelowna and they need a home.

#### Bob Whitehead 3010 Abbott Street

- Questioned the temporary permit for this site if the group is planning to expand.
- Questioned off site parking demand, and future requirements
- Believes there is a lack of vision and planning for this property.



Paul

- Suggested there is a misunderstanding between the public as to why this spot has been chosen and not Kinsmen.

Eric Prehoffer, West Kelowna

- Lives on westside but tax payer in Kelowna.
- As a Paddler, believes the sport culture promotes teamwork, and good community values.
- Noted that this is not a long term plan today, as the club needs to grow.
- Paddle club been running sinxe 2000, has some funding available, and needs a home.
- Proposed location allows for walking or riding to the site.
- Suggested the benefit to the community is not having to buy their own canoe as you can use a club canoe.
- Noted that both Penticton and Vernon have clubs with lake access.
- Commented that the club will be good neighbours.

Leanne Stanley, 1041 Alexndria Way

- Is a paddler with 16 world championship medals.
- Came to Kelowna in 2009 to race and train, came here because of the lake.
- Noted that as a teacher by trade her goal is to get kids in boats.
- Supports to proposal.

Jeff Fink 357 Uplands Drive

- Clarified that events with 300 paddlers would not happen at this location.
- Commented on club activities in different areas of the city.
- Noted the club members are quiet and focused on safety.
- Noted the location is perfect but it is temporary.
- Believes the rocks at Kinsmen are unsafe; that there is more wind in that area; and that the rock wall was put up for a reason.

Mona Toth 3060 Abbott Street

- Strongly opposed.
- Lived on Abbott Street for 16 years.
- Believes this conflicts with tenants' rights; read an excerpt regarding the right to quiet enjoyment.
- Believes there is a lack of parking, insufficient safety for paddlers.
- Was initially in support but found that the Applicant down played the negative impacts on residents.
- Believes this use does not fit within the character of this area.

Rachel Whitehead 3010 Abbott Street

- Noted that she is in support of the club not the location.

Joey Hertz, Applicant

- Suggested parking concerns are legitimat and provided details on available public parking in the area.
- Reconfirmed that the location is too small to hold a regatta or festival and that they will use a major park to hold larger events.
- Will relocate the washroom on the lot where there is the least impact.
- Confirmed that development of the club is the primary focus, and that they will welcome the need to change locations as the club grows.
- Confirmed theTempoary Use Permit requires that the property be left the way it was prior to the temporary use.

Staff:

- Spoke to the community benefit.
- Believes the group is well organized, but is a small group of between 20 to 30 members.
- Suggested 300 members is a misleading number at this time.

- Staff support this type of activity as it fits perfectly with sport development mandate, and is available to all ages and skill levels.
- Clarified the amount of insurance liability is 5 million dollars.

There were no further comments.

**Moved By Councillor Blanleil/Seconded By Councillor Given**

**R536/13/07/30** THAT Council authorize the issuance of Temporary Use Permit No. TUP13-0004 to allow a paddle centre for Lot B, District Lot 14, ODYD, Plan 10727, located at 3050 Abbott Street, Kelowna, BC, for a three (3) year period commencing from the date of Council consideration, subject to the following conditions:

- a) That the subject site be fenced and treated in accordance with Schedule 'A', and that opaque fencing be provided along the north and south property boundaries, where appropriate for residential privacy;
- b) That a dust-free surface be maintained for the parking area, and that an asphalt apron be provided back of sidewalk for access from Abbott Street, in accordance with the Development Engineering Branch Memorandum dated June 26, 2013;
- c) That eighteen (18) parking spaces meeting the minimum dimension requirements of the Zoning Bylaw be maintained on site, in accordance with Schedule 'A'; and
- d) That the total number of storage containers be limited to two (2) and that such containers conform to the dimensions and placement shown on Schedule 'A', and be maintained in a manner to minimize visual presence.

**Carried**

**6.3.1. Licence of Occupation - 3050 Abbott Street, Kelowna Outrigger Racing Canoe Association**

Staff:

- Summarized the application before Council.

**Moved By Councillor Stack/Seconded By Councillor Basran**

**R537/13/07/30** THAT Council approves the City entering into a three (3) year Licence of Occupation, with the Kelowna Outrigger Racing Canoe Association ("Association"), for the Association's use of City-owned property for the operation of a paddling centre, in the form attached to the Report of the Manager, Property Management, dated July 24, 2013;

AND THAT the 2013 Financial Plan be amended for \$25,000 to provide for the parking site with funding from the Parks Purchase and Development Reserve.

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Licence of Occupation.

**Carried**

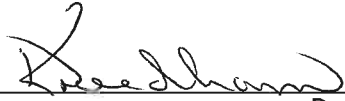
**7. Reminders - Nil.**

**8. Termination**

The meeting was declared terminated at 1:12 a.m.

\_\_\_\_\_  
Mayor

/kn

  
\_\_\_\_\_  
Deputy City Clerk

DRAFT



## City of Kelowna Public Hearing Minutes

Date: Tuesday, August 13, 2013  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Robert Hobson

Staff Present Acting City Manager, Rob Mayne; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Planner, James Moore

(\*denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:02 p.m.

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.

### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 31, 2013 and by being placed in the Kelowna Capital News issues on August 2, 2013 and August 6, 2013 and by sending out or otherwise delivering 525 letters to the owners and occupiers of surrounding properties between July 30, 2013 and August 2, 2013. 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.

### 3. Individual Bylaw Submissions

#### 3.1. Bylaw No. 10867 (OCP13-0014) and Bylaw No. 10868 (Z13-0023) - 1150 & 1200 Steele Road, No. 21 Great Projects Ltd.

Staff:

- Summarized the application before Council.

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

- **Letter of Concern:**
  - M. Law, 1168 Bergamot Avenue

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

Dave Lange, No. 21 Great Projects Ltd., Applicant

- Believes that this project is a 'feel good' opportunity as it will create a true neighbourhood and community.
- Displayed a PowerPoint Presentation and provided an overview of the proposed development.
- Advised that the school site was selected by the School District and will be developed as a 'middle school' rather than an 'elementary' school as was previously envisioned.
- Outlined the public process that was undertaken.

Emily Watson, Planner Manager, School District No. 23

- Advised that the timeline for the school is unknown and outlined the steps involved with getting Provincial approval.
- Advised that the proposed school site is No. 2 on the School District's planning priorities list.

There were no further comments.

#### 3.2. Bylaw No. 10872 (Z13-0022) - 1369 & 1375 Bertram Street, John Bauer and Irvin & Linda Cordes

Staff:

- Summarized the application before Council.

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.

Garry Tomporowski, Architect, Garry Tomporowski Architects Ltd., Applicant

- Advised that the structure will be an upscale, 4-story townhouse, reminiscent of the older projects in other major cities.
- Believes that the style, character and value of the project are reflected in the attention to detail that is found throughout the development.
- Feels it will be a good addition to the downtown.
- Advised that special attention was given to the rooftop garden, parking and other amenities.

Steve Heinman, Partner in the Development

- Believes that the project is a good example of 'urban infill' as it will create something that is neighbourhood-friendly and oriented to the street.
- This will be a vertical 3-storey home, with the 4<sup>th</sup> floor terrace serviced by a den/office.
- The project will have European flair and architecture.
- Advised that the parking will be located at the back of the project.
- Believes the project will promote downtown living and walkability.
- Provided an overview of the project and advised that there will be 8 units in total.

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 6:25 p.m.

\_\_\_\_\_  
Mayor

/sth/kn



\_\_\_\_\_  
Deputy City Clerk



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 13, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blankeil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Robert Hobson

Staff Present Acting City Manager, Rob Mayne; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Planner, James Moore

(\*denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 6:26 p.m.

### 2. Prayer

A Prayer was offered by Councillor Given.

### 3. Bylaws Considered at Public Hearing

- 3.1. Bylaw No. 10867 (OCP13-0014) - 1150 & 1200 Steel Road, No. 21 Great Projects Ltd.

Moved By Councillor Basran/Seconded By Councillor Singh

R557/13/08/13 THAT Bylaw No. 10867 be read a second and third time.

Carried

- 3.2. Bylaw No. 10868 (Z13-0023) - 1150 & 1200 Steel Road, No. 21 Great Projects Ltd.

Moved By Councillor Basran/Seconded By Councillor Blancheleil

R558/13/08/13 THAT Bylaw No. 10868 be read a second and third time.

Carried

- 3.3. Bylaw No. 10872 (Z13-0022) - 1369 & 1375 Bertram Street, John Bauer, Irvin and Linda Cordes

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R559/13/08/13 THAT Bylaw No. 10872 be read a second and third time.

Carried

#### 4. Notification of Meeting

The Deputy City Clerk advised Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 61 letters to the owners and occupiers of surrounding properties between July 30, 2013 and August 2, 2013.

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.

#### 5. Development Permit and Development Variance Permit Reports

##### 5.1. Development Variance Permit Application No. DVP13-0112 - 381 Okaview Road, Don Bouwman

Staff:

- Summarized the application before Council and responded to questions from Council.
- Advised that there is no formal Statutory Right-of-Way with respect to drainage; however, should Council wish, a condition could be added to the Development Variance Permit requiring that the applicant submit a lot grading plan in advance of issuance of the Permit.

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

- **Letter of Opposition:**
  - Al Klassen, 386 Stellar Drive

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

Robert Becker, Okanagan Remediation Services, Applicant's Representative

- Advised that he is the contractor who is constructing the garage.
- Advised that he is not familiar with the drainage ditch issue.
- Clarified that there is a retaining wall between the two (2) properties.
- He does not see the relevance to the lot grading plan in relation to the variance.
- Explained that he constructed the retaining wall to replace a wood landscape tie wall. At the time, there was no drainage ditch and the area is now a driveway, which to his knowledge has not affected the drainage.



- Confirmed that there is an Easement Agreement for septic between the properties.
- Confirmed that there will be no movement of material with the proposed garage.
- A 20 square yard drainage pit was added to the yard in order to deal with runoff from the roof. The pit is sloped with a drain grid and has been filled in with gravel, sand and rock.

Gallery:

John Letchford, 379 Okaview Road

- Advised that his property is 4 feet below the grade of the subject property.
- Expressed a concern that the proposal will add to concrete coverage and result in approximately 7,500 square feet of the property being covered with concrete and a building structure. Questioned how the water will be handled.
- Inquired how the drainage issue will be handled (engineered) as he wants to ensure there is no potential for water coming off the hill into his or other properties.
- Not opposing the garage development, but expressed a concern that the noise level will rise with the extra concrete coverage.
- Expressed a concern with directing water down to Okaview Road from the eaves trough and driveway as the drainage ditch on Okaview Road is already overloaded. Believes that the water needs to be directed into storm drains.

Robert Becker, Okanagan Remediation Services, Applicant's Representative

- Clarified the dimensions of the concrete that will be poured.
- Believes that the drainage pit is adequate.

Council:

- Inquired about a geotechnical report.

Staff:

- Confirmed that Council can add a condition that a geotechnical report be submitted.
- Confirmed that the City's Bylaws require that water be retained on the property.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

**R560/13/08/13** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0112, for Lot B, Section 23, Township 28, SDYD, Plan KAP47783, located on 381 Okaview Road, Kelowna, BC;

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

**Section 12.1.6(e): Development Regulations:**

To vary the minimum rear yard setback from 3.0m permitted to 1.5m proposed.

AND THAT, prior to issuance, the applicant be required to provide evidence to the satisfaction of the Development Engineering Manager that the proposed driveway meets the 3.0m minimum standard width;

AND FURTHER THAT the applicant be required to submit to Urban Planning staff a geotechnical assessment with respect to lot drainage for review prior to issuance of the Development Variance Permit.

Carried

## 5.2. Development Variance Permit Application No. DVP13-0078 - 515 Francis Avenue, Justin Gaspari

### Staff:

- Summarized the application before Council.
- Clarified the allotment of the parking spaces and advised that one (1) stall will be used for either a compact vehicle or motorcycle.

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

- **Letters of Opposition:**
  - W.J. & G.B. Cook, 548 Francis Avenue
  - S. Bajwa, 470 Francis Avenue
  - H. Barbaza, 538 Francis Avenue
  - M. Barlow, #100-2076 Enterprise Way

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

### Justin Gaspari, Applicant

- Provided an overview of the allotment of the parking spaces. Six (6) stalls will be used for larger vehicles. One (1) of the stalls will be shrunk to create one (1) extra stall.
- Clarified that the Petition was for the variance for parking.
- Advised that he personally visited the properties within a 50m radius of the subject property and obtained the signatures of support based on the fact that he was seeking one (1) extra parking stall.
- Responded to questions from Council.
- Clarified that he did not share information that he was putting in one (1) more unit than was originally proposed.
- Confirmed that if the parking is varied, the development would become a 7-unit building, instead of a 6-unit building.
- Advised that he is proposing to convert a 2-bedroom unit into two (2), 1-bedroom units.
- In order to have the ability to convert the 2-bedroom unit, he needs 0.5 of a parking stall.
- Advised that he did not feel it was relevant to tell the neighbours about the proposal to split a unit as the development will still have the same number of bedrooms.
- Advised that there will be an interior change to the configuration of the unit.
- As a property manager, he has been dealing with a number of calls seeking accommodation in a central location and believes that the number of people seeking a one (1) bedroom is high. Believes that there is a niche for one (1) bedroom units.
- Advised that he still meets the zoning requirement with the extra unit.

### Gallery:

#### Jose Corbo, 581 Francis Avenue

- Expressed disappointment with the approach used by the Applicant and believes that the Applicant was deceptive about what the variance is for.
- Indicated that there have been neighbourhood challenges with this development since the beginning of the process. The subject property was originally a duplex and is now a six-plex; rather than renting to low income families, it is being rented to single students.
- Expressed a concern with the proposal to add another one (1) bedroom unit.
- Expressed a concern with the proposal as the neighbourhood is still predominately family-oriented.
- Applauded the Applicant for his good management of the property thus far with respect to cleanliness and noise; however he believes that he is pushing the envelope and wants him to stop.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Singh

R561/13/08/13 THAT Council **NOT** authorize the issuance of Development Variance Permit No. DVP13-0078, for Lot 1, District Lot 14, ODYD, plan EPP23030 except Strata Plan EPS1084 located on 515 Francis Avenue, Kelowna, BC.

Carried  
Councillor Given - Opposed.

**6. Reminders**

Mayor Gray:

- Reminded the public of the 10 year Anniversary of the Okanagan Mountain Park Fire.
- Reminded the public that August 10-17, 2013 is Okanagan Pride Week.

Councillor Zimmermann:

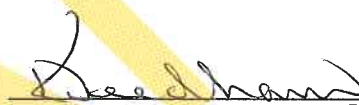
- Advised that the annual Black Mountain Irrigation Watershed Tour has been scheduled for September 11, 2013. It is an all-day tour that starts at 7:30 am and will include the water intake, new reservoir and treatment centre. Seating is limited.

**7. Termination**

The meeting was declared terminated at 7:20 p.m.

\_\_\_\_\_  
Mayor

/slh/kn



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Deputy City Clerk

**CITY OF KELOWNA**

**BYLAW NO. 10874**

**Z13-0025 - Sharon Elaine and Thomas William Matthes &  
Caroline Mary and Carl Steve Maloney  
2253 Wilkinson Street**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, District Lot 136, ODYD Plan KAP89721 located on 2253 Wilkinson Street, Kelowna, B.C., from the RU2 - Medium Lot Housing zone to the RU2c - Medium Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12<sup>th</sup> day of August, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 10881**  
**Z13-0026 - Comfort Crafted Homes Inc. No. BC0723458**  
**330 Taylor Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 22, Township 26, ODYD, Plan 18558 located on Taylor Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12<sup>th</sup> day of August, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** August 6, 2013  
**RIM No.** 0930-50  
**To:** City Manager  
**From:** Urban Planning Branch, Community Planning and Real Estate Division (PMc)  
**Application:** LL13-0003  
**Owner:** Viewcrest Estates Ltd.  
Inc. No. 80372  
**Address:** 293-297 Bernard Ave.  
**Applicant:** Fresco Restaurant Ltd.  
(Audrey Surrao)  
**Subject:** [Title]  
**Existing OCP Designation:** Mixed Use (Residential/Commercial)(MXR)  
**Existing Zone:** C7 - Central Business Commercial

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## 1.0 Recommendation

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 Fresco Restaurant Ltd. 293-297 Bernard Avenue, Kelowna BC, (legally described as Lot 10, Block 13, DL 139, O.D.Y.D., plan 462 and Lot 11, Block 13 District Lot 139, ODYD Plan 462 except Plan 9892) for a Liquor Primary license with a capacity of 34 persons and hours of service from 11:00am-2:00am daily are as follows:

- a) The location of the establishment:  
The property is located within the Downtown core, and is suitable for the proposed small-scale Liquor Primary license.
- b) The proximity of the establishment to other social or recreational facilities and public buildings:  
No negative impact on surrounding facilities/buildings is anticipated.
- c) The person capacity and hours of liquor service of the establishment:  
The capacity and hours are deemed appropriate based on other establishments in the immediate area.
- d) The number and market focus of liquor-primary license establishments within a reasonable distance of the proposed location:  
The size and focus of the establishment would compliment existing establishments in the Downtown area.
- e) The impact of noise on the community in the immediate vicinity of the establishment:

The potential for noise would be compatible with surrounding land uses.

f) The impact on the community if the application is approved:

The proposed license would add to the continued development of a safe, vibrant Downtown area.

g) 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."

h) Recommendation:

Council recommends that the application for a Liquor Primary license be approved.

## **2.0 Purpose**

This application seeks Council's support for a Liquor Primary License for a new liquor primary establishment located on the subject property.

## **3.0 Urban Planning Department**

Council Policy #359 specifies guidelines for the siting and density of Liquor Primary Establishments. These parameters are designed to help control the density of late-night establishments with a focus on alcohol (nightclubs, pubs, etc.). Given the location of existing establishments in the area, the application complies with Policy #359.

The application represents a modest sized establishment. The proposed license would create greater opportunities to serve a range of patrons, and compliment existing licensed establishments, without causing significant changes to the existing business operation. Given the small scale, niche market that is proposed through this business operation, this meets the intent of the City fostering the provision of facilities which diversify the selection of venues and entertainment opportunities throughout the Downtown.

Given the above considerations, the Urban Planning Department is supportive of the proposed Liquor Primary establishment. In addition, both the RCMP and Bylaw Enforcement have no concerns with the proposal.

## **4.0 Proposal**

### **4.1 Background**

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all new Liquor Primary license requests require Local Government comment.

### **4.2 Project Description**

The applicant has requested a Liquor Primary (LP) license in order to create a small liquor primary establishment (Micro Bar Bites) in the vacant lease space. The LP is being requested to allow for greater flexibility in providing patrons an alternative experience while waiting for seats at the nearby RauDZ restaurant which is owned and operated by the same group. As the seating capacity is under 100 patrons, the Liquor Primary (Minor) use does not require a rezoning.

There are no changes to the exterior of the building, and there is no outdoor patio proposed. Additionally, there is no other Liquor Primary - minor establishments located on neighbouring properties. The draft occupant load calculation shows a maximum occupant load of 34 persons.

### **Proposed License Summary:**

**Proposed Hours of Sale:**

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am

Licensed Area	Capacity
Indoor (Dining Area)	34
Outdoor Patio	0
<b>Total Proposed Person Capacity</b>	<b>34*</b>

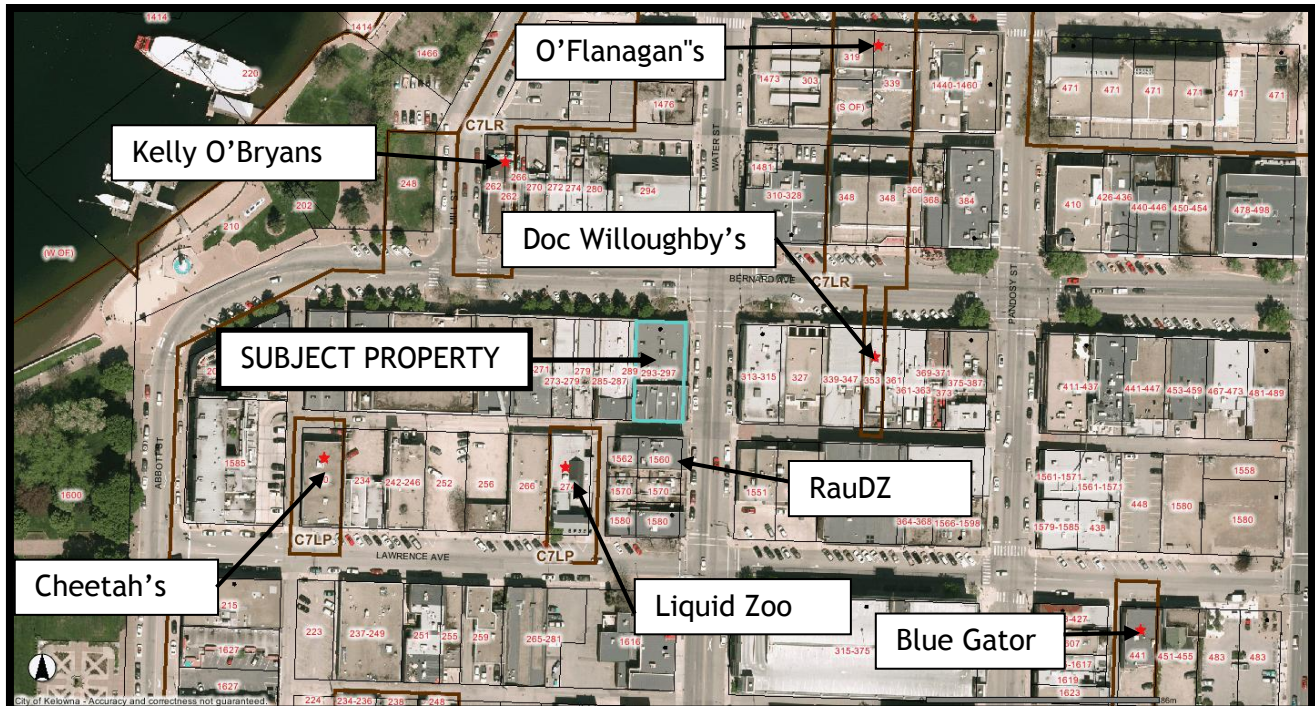
\*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

**4.3 Site Context**

The subject property is located at the south west corner of the intersection of Bernard Avenue and Water Street. The unit address is 1500 Water Street, and faces Water Street.

**Subject Property Map:**

293-297 Bernard Avenue



Other liquor primary establishments (pubs, nightclubs, casino) in the surrounding area include:

Establishment	Proximity	Category	Capacity	Establishment Type
Kelly O'Bryans	-60m	Small	60	Neighbourhood Pub
Doc Willoughby's	~100m	Medium	180	Neighbourhood Pub
Liquid Zoo	~160m	Large	301	Adult Entertainment
O'Flannigan's	~200m	Medium	148	Neighbourhood Pub
Cheetah's	~250m	Medium	218	Adult Entertainment
Level	~275m	Large	464	Cabaret



The Habitat	~300m	Medium	225	Music Venue
Sapphire	~310m	Large	473	Cabaret

**5.0 Current Development Policies**

**5.1 Council Policy #359 - Liquor Licensing Policy and Procedures**

The following sections of Policy #359 are applicable to this application:

- Small establishments (with person capacity less than 100 persons):
  - i) Should not be located beside an existing Small establishment.

**5.2 Kelowna Official Community Plan (OCP)**

**Entertainment Venues.**<sup>1</sup> Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

**Downtown.**<sup>2</sup> The City of Kelowna recognizes that a unique, attractive, thriving and livable downtown is strategically important to Kelowna’s overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

**6.0 Technical Comments**

The application was circulated to a number of departments and agencies, including the Building & Permitting Branch, Bylaw Services, Fire Department, and the Kelowna RCMP. No concerns were raised from the circulation.

**7.0 Application Chronology**

Date of Application Received: April 3, 2013  
 Date response from LCLB: August 3, 2013

**Report prepared by:**

Paul McVey, Urban Planner

**Reviewed by:**

Danielle Noble, Manager, Urban Planning

**Approved for Inclusion:**  
 Real

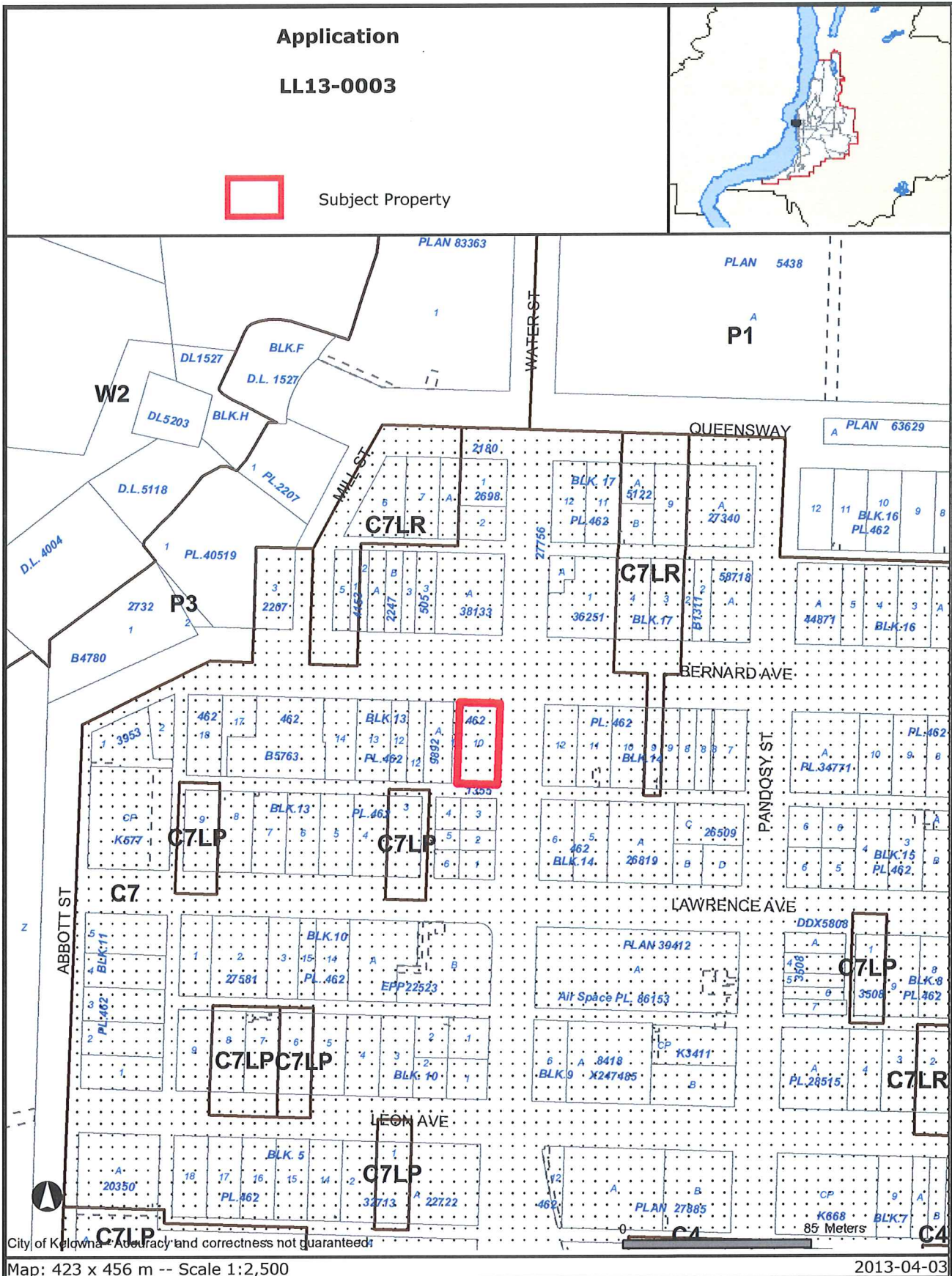
Doug Gilchrist, Divisional Director, Community Planning and Real Estate Division

**Attachments:**

- Location Map
- Floor Plan (with occupant load)
- Applicant Rationale letter
- Exterior Photo

<sup>1</sup> Policy 5.17.1 (Development Process Chapter 5, page 5.21)

<sup>2</sup> Policy 8.9.2 (Economic Development Chapter8, page 8.4 )



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

## **PART 8.**

### **#1. PURPOSE**

Micro Bar•Bites will fill a much needed niche in downtown Kelowna. As current owners of RauDZ Regional Table, we are faced with a nightly wait for tables and currently send our patrons elsewhere while they wait. With Micro Bar•Bites we will be offering another upscale facility for our guests to experience. As recognized hospitality leaders in the Okanagan Valley, we are adding to the growth of our community. The other Liquor Primary facilities within a 2 block radius consist mainly of pubs, night clubs, and strip bars. See listing on Site Map attached.

Micro Bar•Bites is designed as an upscale wine & cocktail bar with an ever changing variety of "small plates" featuring both hot and cold items, similar to the "tapas restaurant" concept found throughout Europe. The food will be prepared to the high standards of internationally acclaimed co-owner Chef Rod Butters. The Liquor Primary license will ensure an 'adult only' space, free of family diners and will appeal to the adult patron looking for a quality place to enjoy a drink and share some small plates with friends.

The 950 square foot space will be designed by internationally acclaimed architect Tim Bullinger of Arca 3 Design in Vancouver. The space will be warm and intimate with no TV's or gaming machines etc.

We do not want to include the word 'tapas' in the name ie: 'Micro Tapas Bar & Bites' and have been advised by the BCLDB office in Victoria, that in order to keep the logo intact (see signage) we must apply for a LP designation. This will in turn also keep the facility as adults only and free of family diners.

### **#4 BENEFITS OF THE PROPOSED ESTABLISHMENT TO THE COMMUNITY**

The proposed establishment Micro Bar•Bites will be adding to the multi-million dollar re-vitalization of downtown Kelowna. In an area proliferated by night clubs, strip bars and pubs, it will offer an upscale experience. As a new business it will add 10+ jobs. It will also focus on utilizing local ingredients and beverages consistent with the RauDZ Regional Table brand ultimately supporting our community.

### **#5 IMPACT OF NOISE ON THE SURROUNDING COMMUNITY**

The noise impact will be minor as it is not a night club and will not offer live entertainment or even TV's. It is a concrete and brick building with no existing patio.

### **#6 OTHER IMPACTS ON THE SURROUNDING COMMUNITY**

We do not anticipate any negative impacts on the surrounding community, only enhancement!

**Reviewed**  
by City of Kelowna  
Inspection Services

May 9/13  
J.F.

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MICRO  
1500 WATER STREET  
KELOWNA - BC  
V1Y 1J1

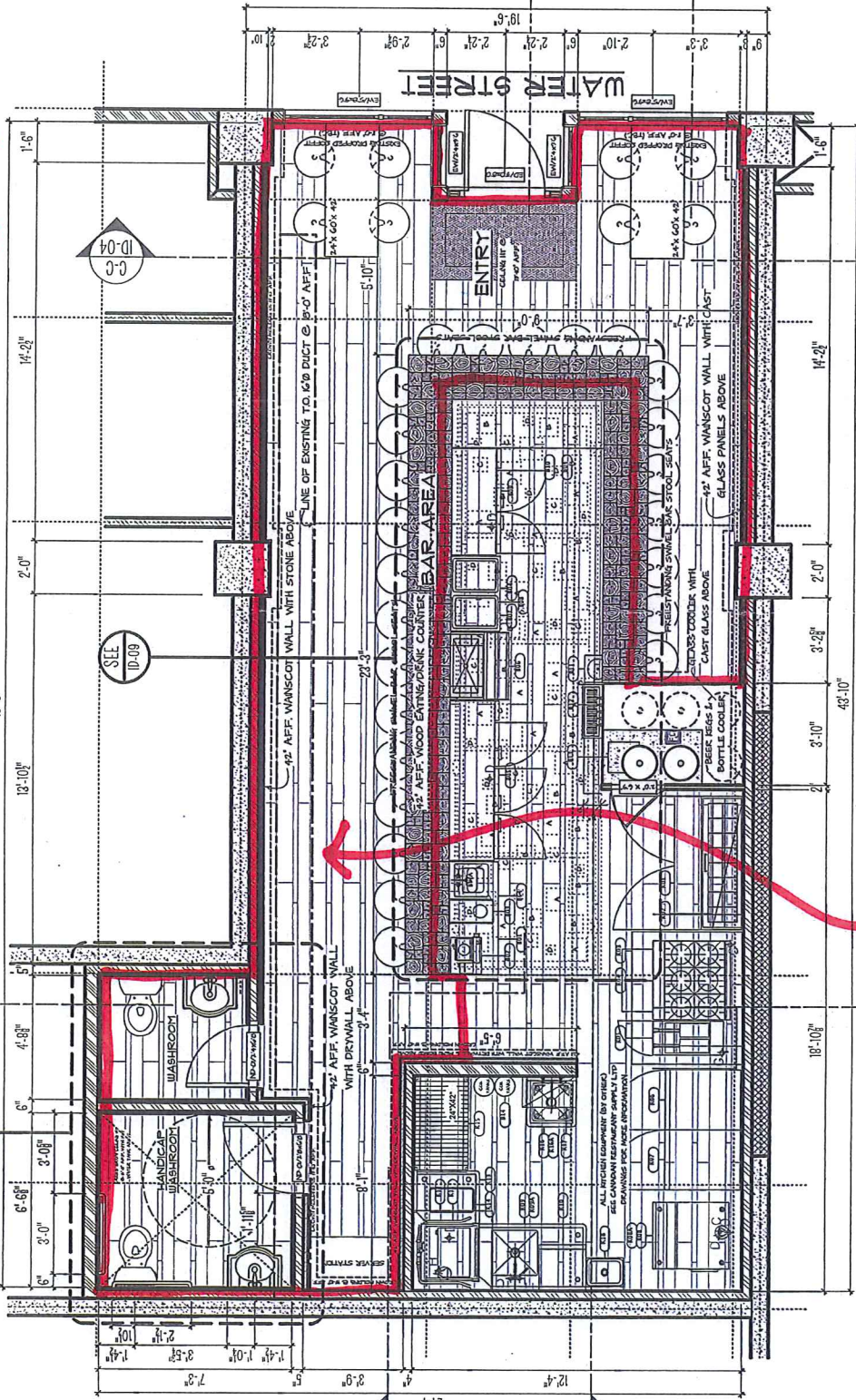
DATE: JUL 23, 2012  
PROJECT: MICRO - 1500 WATER STREET  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1/8" = 1'-0"

PRELIMINARY DRAWING  
FOR PERMITS AND CONSTRUCTION

PROPOSED  
FURNITURE FLOOR PLAN

arca  
design studio  
2371-102 West 1st Avenue  
V1Y 1G1 BC  
Tel: 664-799-7911  
Fax: 664-799-7911  
E-mail: info@arca3.com

PROJECT NO: 11-00-000  
DATE: APR 24, 2013  
DRAWING NO: ID-01  
SCALE: 1/8" = 1'-0"  
PROJECT: MICRO - 1500 WATER STREET



The restaurant has a net floor area of 42.8 m<sup>2</sup>. The maximum occupant load shall be 34 persons, based on 1.2 m<sup>2</sup>/person.

- areas must be confirmed on site when construction is complete

APPROXIMATE SPACE = 88999 SF.  
APPROXIMATE CEILING HT = 19'-0" AFF.  
26 BAR SEATS  
8 TABLE SEATS  
TOTAL SEATS 34



modsalon

1500

micro

micro

Rudie Creative Concepts Ltd



Technical comments provided by the Building and Permitting department and the Development Engineering branch do not identify drainage or other concerns. As this is an existing condition for five of the parcels and support from the immediate property owners has been provided, Staff recommend support for this variance. However, future infill sites that are rezoned to medium sized lots will have to be evaluated more comprehensively to determine the ultimate build-out potential where no lane access is provided.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant applied to convert a portion of the single family dwelling to a suite. In reviewing the application, it was identified that the site coverage exceeded the allowable and needed to be varied in order to proceed with the suite.

As background, the subdivision was planned with a laneway to provide rear access to the garages, however due to neighbourhood opposition the laneway was never constructed. The development was constructed with detached garages and the accesses were paved. Given the comparatively modest size of the lot, the pavement contributed to exceeding the allowable site coverage.

##### 4.2 Site Context

The subject property is located in the Central City area of Kelowna. The Guisachan Village area is within walking distance with transit available on Gordon Avenue and Springfield Road. The subject property is located within the Permanent Growth Boundary. The surrounding properties in all directions are zoned RU2 - Medium Lot Housing with single family dwellings.

##### 4.3 Subject Property Map: 2261 Wilkinson Street



**4.4 Zoning Analysis**

The proposed application meets the requirements of RU2 - Medium Lot Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	400 m <sup>2</sup>	568 m <sup>2</sup>
Lot Width	13 m	13.6 m
Lot Depth	30 m	41.5 m
Site Coverage (buildings)	40%	38.7 %
Site Coverage (buildings and Parking)	50%	75% ①
① Variance required to site coverage.		

**5.0 Technical Comments**

**5.1 Building & Permitting Department**

The house was designed and constructed without an attached/built in garage. Therefore, to provide protected parking an accessory building was constructed at the rear of the property. The originally proposed laneway at the rear of the subdivision was not constructed which then required that the accessory building needed to be accessed from the front. When evaluating the site coverage on the property the house, garage and minimum required driveway were considered. Other paved areas were excluded as they were considered to be walking paths and courtyards.

Allowing this the site coverage ended up being over the allowable 50% total however, with no other means of accessing the parking at the rear of the property it was deemed within reason and acceptable under the restrictive situation.

**5.2 Development Engineering Department**

This development variance permit application to vary the site coverage does not compromise any municipal services provided that roof leaders are not connected to the storm service.

**6.0 Application Chronology**

Date of Application Received: June 6, 2013

Report prepared by:

\_\_\_\_\_  
 Birte Decloux, Urban Planner

Reviewed by:

Danielle Noble, Urban Planning Manager

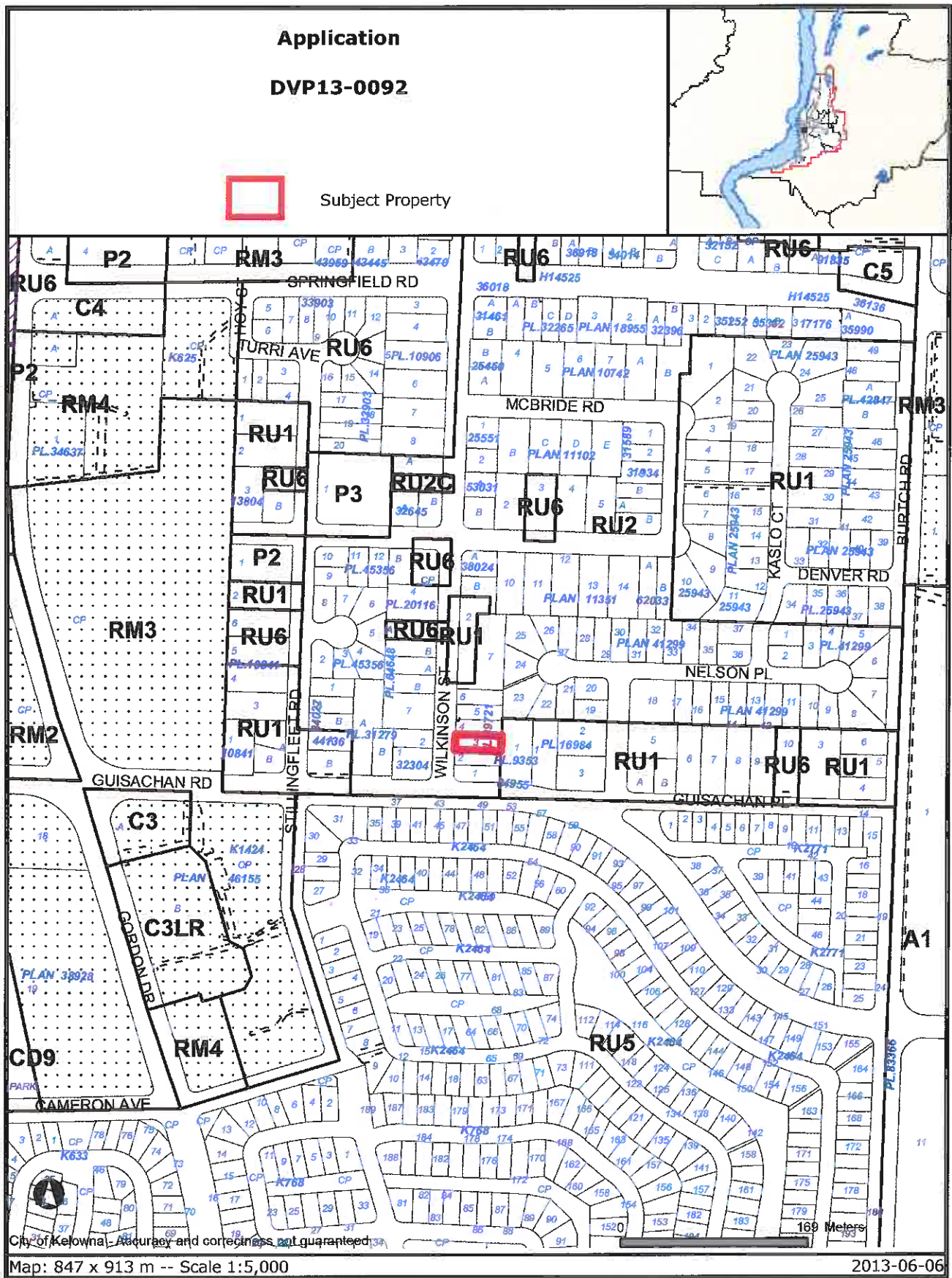
Approved for Inclusion:

Doug Gilchrist, Divisional Director, Community Planning and Real Estate

**Attachments:**

- Site Plan (schedule A)
- Context/Site Photos





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

# B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 3 PLAN KAP89721 D.L. 136 O.D.Y.D.

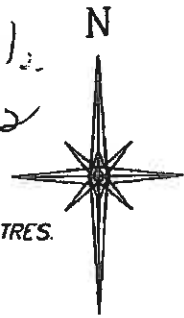
Civic Address:  
2261 Wilkinson Street  
Kelowna, BC

41331  
41332

POSTED

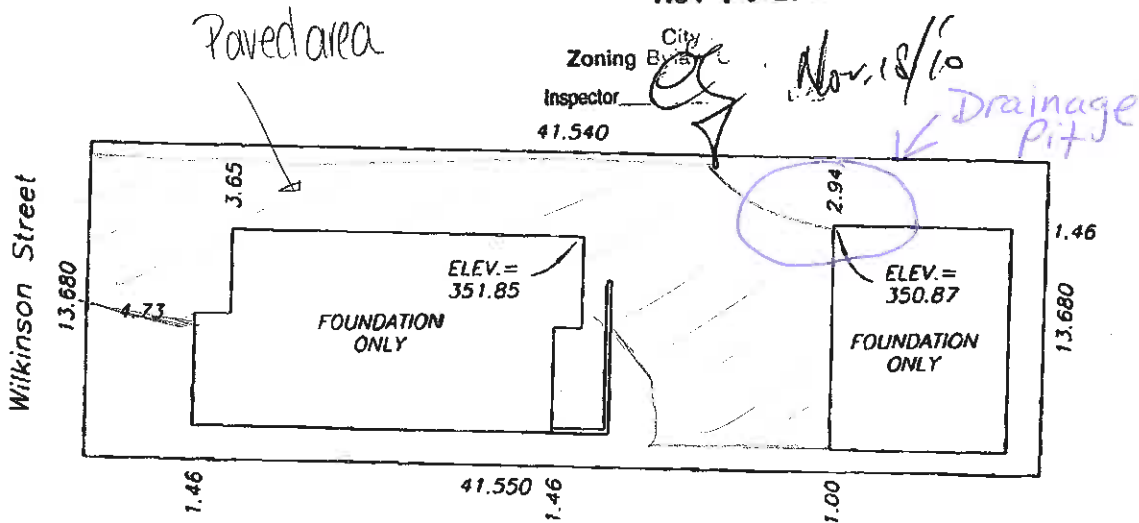
SCALE 1:300

DISTANCES ARE IN METRES.



RECEIVED

NOV 18 2010



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

(C) This document is not valid unless originally signed and sealed.

**CERTIFIED CORRECT**

this 18th day of November, 2010.

D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 14950 FB 352  
T. Pulice

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733

SCHEDULE A  
This forms part of development  
Permit # DVP13-0092

2261 Wilkinson St.



Front of House

Garage & concrete area



view of backyard.



2' crushed rock between neighbours.  
Note: rained during the night, no standing water present.



dirt area in back yard. No standing water after rain fall.

## letter of Rationale

We (Brian and Sonya Arrance) recently purchased the property located at 2261 Wilkinson Street. We are presently finishing off the basement which includes a legalized suite. In the process of applying for the building permit we were informed that our property is over the allowable concrete coverage and we needed to apply for a variance. The property is long and narrow with a large garage located at the back of the property. To access the garage there is a long concrete driveway that runs beside the one side of the house and there is mostly concrete between the house and the garage.

Our home is the 5<sup>th</sup> house built by the same builder on the same street all next to each other. We bought the house in its present state. The concrete was all there when we purchased it. I was told I would not be given an occupancy permit for the suite unless this issue is resolved. However, the builder was given an occupancy permit in its present state. I was also informed that all 5 homes built by this same builder were over the allowable limit. Each time the city issued an occupancy permit and now it is an issue. We did not create this problem but now the city is after us to fix the problem they created and we are the ones paying the bill.

The driveway beside the house has 2 windows and one window at the back. All 3 windows are 3" above the concrete. A gravel driveway would probably result in endless replacement of windows. There is crushed rock between the homes on both sides of us and no matter how slow you drive the rock flies. Since we cannot even afford gravel we would be forced to leave the driveway in dirt which would enter our home through these same windows and doors.

The builder has given us a letter detailing the steps taken to deal with all drainage issues.

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP13-0092

EXISTING ZONING DESIGNATION:	RU2 - Medium Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Brian and Sonya Arrance
LOCATION OF SUBJECT SITE: 2261 Wilkinson Street

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	3	136	KAP89721			ODYD

<u>SCOPE OF APPROVAL</u>	
<input type="checkbox"/>	This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
<input type="checkbox"/>	This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
<input type="checkbox"/>	Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 13.2.6 (a): Site Coverage

To vary the permitted site coverage of buildings and hard surfaces from 50% permitted to 75% proposed (as per Schedule A).

2. PERFORMANCE SECURITY: None Required.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

Signature of Owner/Authorized Agent	Date
-------------------------------------	------

Print Name in Bold Letters	Telephone No.
----------------------------	---------------

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE \_\_\_<sup>th</sup> DAY OF AUGUST, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_\_<sup>TH</sup> DAY OF AUGUST 2013.

\_\_\_\_\_  
Doug Gilchrist, Divisional Director, Community Planning and Real Estate for  
Director of Land Use Management