

Public HearingJune 15, 1999

Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, June 15, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, M.I. Bremner, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Leask, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" 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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 27, 1999, and by being placed in the Kelowna Daily Courier issues of June 7th and 8th, and in the Kelowna Capital News issue of June 6, 1999, and by sending out or otherwise delivering 773 letters to the owners and occupiers of surrounding properties between May 29th and 31st, 1999.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8404 - City of Kelowna Zoning Bylaw Text Amendment (TA99-004) – To amend the text of the City of Kelowna Zoning Bylaw No. 8000 by creating a new version of the A1 - Agriculture 1 zone called the A1s – Agriculture 1 with Secondary Suite zone that would allow a secondary dwelling unit as a secondary use in a single family dwelling or in an accessory building.

Bylaw No. 8405 (Z99-1004) – Danny & Halina Scuka – 881 Highway 33 E. - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 24, Twp. 26, O.D.Y.D., Plan 33567, located on Highway 33, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone to allow the continuing use of a secondary suite in the basement of the single family dwelling.

The Current Planning Manager indicated the property on a map displayed on the overhead projector noting the text amendment is triggered by the rezoning application. The 's' designation would allow secondary suites in the A1 – Agriculture 1 zone. The rezoning application would allow a secondary suite that was constructed under former Zoning Bylaw 4500 to become conforming. The Agricultural Land Commission approved the proposed use in May 1999.

The City Clerk advised that one letter was received regarding the rezoning application as follows:

- letter from Mel Uppenborn, 1101 Bentier Road, indicating no objection as long as there is no impact on his property.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

There were no further comments.

- (b) Bylaw No. 8406 (Z99-1005) – Ashok, Kuldip, Raj, Mayaram and Kamla Parmar (Annie Beserekian) – 418 McLennan Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 12, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP51596, located on McLennan Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow the continuing use of the existing basement suite within the single family dwelling.

The Current Planning Manager advised the applicants want to create the suite as a rental situation. He indicated the neighbourhood support and opposition plotted on a map and advised that a letter of concern has been received from the Rutland Resident's Association. The Planning Department has no concerns with the proposed suite provided the suite meets Code requirements.

The City Clerk advised that the following correspondence had been received:

- letter of opposition from Ernest Hoffman, 396 McLennan Crescent, advising that he paid higher development costs in order to develop two legal suite lots in the area and that the City should be penalizing the people who built the illegal suites not rewarding them by making the suites legal.
- letters of opposition from the following, all expressing concern about potential concentration of illegal suites, increased density, traffic congestion, and reduced resale value of homes in the area if Council does not follow the approved area plan that designates where two family dwellings and single family dwellings with legal suites would be located:
 - Mike Mycholuk, 1234 Friesen Road,
 - Larry & Shirley Reynold, 430 Sumac Road East
 - Duncan & Judy Boyczuk, 1227 Friesen Road
- letter and 62 signature petition of opposition submitted by the following, all expressing concern that the existing problem with on-street parking would be compounded, people chose their lots in this area assuming that the preplan that showed where duplexes and suites would be allowed would be respected, the increased density will reduce the values of their homes:
 - Ken Hoffman & Lori Robertson, 380 McLennan Crescent
 - Mr. & Mrs. Trevor Romanchuk, 384 McLennan Crescent
 - Mr. & Mrs. Robert Bulach, 392 McLennan Crescent
 - Mr. & Mrs. Ernie Hoffman, 396/400 McLennan Crescent/355 Wallace Road
- late petition of support bearing 17 signatures from area residents;
- late letters of opposition from the following all expressing concern that the proposed zoning is contrary to the adopted Hartman Road Sector Plan which identified the lots zoned for higher density and those lots were more expensive to purchase and had higher development cost charges, and expressing concern about the increased road traffic and on-street parking and that property values would be reduced:
 - Harry Christie, 408 Wallace Road
 - Larry & Shirley Reynolds, 430 Sumac Road East
 - Rutland Residents Association c/o 207–180 Hollywood Road North.

Mayor Gray invited the applicant to come forward or comments from Council:

Annie Beserekian, representing the applicant, advised it is all family members living in the house. They have 2 vehicles and there is an extra parking space on the property to meeting parking requirements. The owners purchased the property in Spring 1998 and the suite was already in existence. When they received a letter from the City advising the suite was illegal they initiated the process for rezoning. They will spend about \$6,000 to legalize and upgrade the suite to Code requirements. Ms. Beserekian submitted that it is not the houses with suites that are responsible for the cars that are parking on the street. She pointed out that the suite size can be larger in duplex zoned houses than in single family zoned houses and suggested that this is a case of NIMBY syndrome. The letters from the area residents seem to be an attack on the City's bylaw for the 's' zone yet an extensive public process took place before creating the 's' zone.

The Current Planning Manager advised that when the Hartman area plan was done, the mix was to be 35% duplex and 65% 2-family zoning, some with duplexes and some with suites. The Rutland Sector Plan's only direction is to consider suites on a site specific basis and it is that direction that the Planning Department follows.

Council noted that the map with the support and opposition plotted on it is unreliable as letters were received from some properties not identified on the map.

Responding to questions of Council, the Current Planning Manager advised that the Hartman Road area is unique in that it preplanned the way the area was to develop and identified where the single family, single family with suite, and duplex lots would be. He noted it worked in theory but in practice there was some inequity. Houses that were zoned for duplex or secondary suite essentially paid double the DCCs whether or not the lot was actually developed with a duplex or suite. With the introduction of the 's' zone, there have been a rash of applications where summer kitchens are now becoming secondary suites. Provided the required criteria can be met, applications for the 's' zone are usually supported by the Planning Department.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the subject application to come forward.

Dave Cronquist, 1205 Friesen Road, spoke in opposition advising that there are 8 signs in the Hartman area all indicating the owners are applying for the "s zone and all are on single family lots and all have illegal suites. Mr. Cronquist further advised that his comments would generally apply to the 4 four applications that are in his neighbourhood. He purchased his lot based on the Hartman area preplan and paid a \$15,000 premium for the opportunity to have rental income. Had he known the 's' zone would be introduced, he would have purchased a single family lot himself and then put in an illegal suite. The 's' zone has to be used wisely because at some point the single family neighbourhood changes to a high density neighbourhood. It would be fair to give the property owners who paid the premium for the higher density lots 5 to 10 years to recover their investment before introducing the 's' zone into the neighbourhood. The neighbourhood is already 42% high density. This is not NIMBYism; people bought in the neighbourhood knowing about the mix in densities but these extra suites change that completely and how the neighbourhood is changing is his main concern.

Ken Hoffman, 380 McLennan Crescent, advised he was opposed and that he was speaking on behalf of about 20 others in the gallery who are also opposed. They share many of the concerns raised by the previous speaker and their comments also apply to all four Hartman area applications on the agenda tonight. They are also concerned that the neighbourhood is changing dramatically and note that the number of vehicles parking on the street make it difficult to see and so children's safety and how emergency vehicles would get through quickly are also issues of concern. The vehicles parking on the street also impede snow removal and street sweeping equipment. Also, tenants can often be undesirable types and can result in increased break-ins, etc.

Ernest Hoffman, owner of 396 & 400 McLennan Crescent and 355 Wallace Road, opposed the application for reasons already stated by previous speakers, adding that the whole subdivision is so out of control is it sickening and that something has to be done. Almost every house on the street has 5-7 cars and at any given time there are 18-26 cars in driveways and on the street because the carports are all full. Mr. Hoffman added that all the vehicles on the street make it difficult to see and that he has almost hit 2 or 3 children himself.

The Current Planning Manager clarified for Council that summer kitchens were allowed under former Zoning Bylaw 4500 provided an affidavit was signed saying the dwelling would only be for single family use. However, the City learned via complaints received that many of the summer kitchens were being used as secondary suites. Under Zoning Bylaw 8000, summer kitchens are not allowed and instead the 's' zone is provided as a means to legalize the suites.

Harry Christie, advised he resides at 408 Wallace Road and also owns the adjacent Lot 9. He was opposed all 4 applications on the agenda tonight and to any future 's' zoning applications in the Hartman Road area. He read his letter (already circulated to Council) outlining similar concerns to those stated by previous speakers regarding the additional road traffic on narrow road widths, increased on-street parking, children's safety, etc. He added that the City profited by way of the DCCs levied against the properties identified in the Hartman Area pre-plan for duplex and secondary suites and that the City of Kelowna owes it to the residents who bought on that basis to retain their investment. He also commented that the more crowded the neighbourhood gets the more the property values go down and asked that Council support the initial zoning mix proposed for the Hartman Road area.

Robert Cormish, 403 Wallace Road, advised he was opposed to the 's' zone for the same reasons as those stated by previous speakers. He also added that the noise (squealing tires at 1 a.m. and parties) has greatly increased with the increasing number of illegal suites. He expressed concern about the precedent that would be set and added that the Hartman area residents do not have a strata council to uphold the rules for them and so must rely on Council to do that for them. He advised there are already 10 or 12 people residing on the subject property, the illegal suite has been occupied since the house was built and the suite was built as a suite for rent from the start and not just for a summer kitchen. He also noted that there have been complaints to the City about many of the suites in the area.

Duncan Boychuk, 1227 Friesen Road, advised he was opposed from an engineering point of view noting DCCs are intended to provide for downstream development to service the area. He questioned whether these suites now being legalized would be contributing to this additional servicing and suggested that Council consider putting a time-limit on lots when they are initially developed so that the zoning stays in place for the length of an average mortgage period.

Brenda Bullock, 392 McLennan Crescent, was opposed to the 's' zoning applications proposed on her street and advised it was she who submitted the 62 signature petition. She circulated photos taken during different seasons and different times of the day to show the existing problem with vehicles parking on the street and asked that Council consider the safety of the children and shut down the illegal suites.

Carol Romanchuk, 384 McLennan Crescent, was opposed. She commented that the entire street is a nightmare with the density that is there now. The street is ugly and she is ashamed to say she lives there. It is not safe to take her children for a walk because of the number of cars parked on the street. It is not right to legalize these suites; if the owner's wanted legal suites, they should have bought lots already zoned for suites.

Dave Newman, 412 McLennan Crescent, advised that one of the 's' zone applications coming up later in the agenda is his and therefore he was speaking in support. He advised he only became aware of the parking concerns yesterday and suggested that probably a lot of the cars parked on the street were his guests. He added that had he known that on-street parking was a problem he could have had the vehicles moved off the road and into his driveway. He also circulated photos to show the vehicles parked on the street and noted that there is a 21-24 foot boat constantly parked on the road in front of 403 Wallace.

Annie Beserekian, re-addressed Council to respond to the comments from the gallery. She confirmed that there was a car and a boat parked on the street in front of 403 Wallace yesterday and advised that there is an older couple and 2 young people currently living in the suite on the subject property and they are friends from the same village as the owners. Before that it was an aunt and uncle living in the suite. She questioned how the owners are supposed to accommodate their relatives living with them if they cannot legalize the suite and submitted that Council should not be penalizing people for coming forward to legalize suites to accommodate family or friends. She added that other houses are also contributing to the parking problems, it is not fair to say that suites are responsible for crime in the area, a lot of the houses on the street are without suites and are being rented out. The applicant is a resident of the house and has no plans to move out. Once the suites become legalized, the applicant will be required to pay \$300 sewer development cost charges and will be charged extra for utilities so they will be contributing to the tax system and not getting a free ride. She confirmed that the applicants had relatives living with them from the beginning when they bought and suggested that the realtor may not have told them that the suite was illegal or about the pre-plan for the neighbourhood.

A member of Council recalled a developer coming to Council a few years ago asking to have a couple of the duplex zoned lots downzoned and Council refused his application because it was contrary to the Hartman area pre-plan.

There were no further comments.

- (c) Bylaw No. 8407 (Z98-1055) – Paul & Sarah Brownlee – 1212 Cerise Drive - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Sec. 30, Twp. 26, O.D.Y.D., Plan KAP53262, located on Cerise Drive, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow construction of a secondary suite in the basement of the existing single family dwelling.

The Current Planning Manager indicated the property on a map displayed on the overhead projector and advised that there is a building scheme registered on title stipulating that suites have to be approved by the City with the appropriate zoning and with a separate entrance for the suite. The plans provided by the applicant indicate those requirements are met. The suite would be on the lower level with the entrance to the left side of the building with direct access to the outside. Staff have no concerns with the technical side of the application.

The City Clerk advised that the following correspondence had been received:

- letters of opposition were received from the following, all opposed on the basis that the suite would generate additional traffic and disturbances, property values would be reduced, the area is zoned for single family and introducing suites would dramatically change the character of the neighbourhood, the existing road design (Cerise Drive) is hazardous, and the proposed suite does not comply with the building scheme requirement for a separate outside entrance:
 - F. Mark, 879 Mount Royal Drive
 - William & Kathleen Krieg, 1156 Cerise Drive
 - Mr. & Mrs. A. Port, 1201 Cerise Drive
 - J.E. Hutton, 1225 Cerise Drive
 - Karl Zdravec, 1153 Cerise Drive
 - Walter & Denise Sattelle, 1233 Cerise Drive
 - Wesley C. Shields, 1161 Cerise Drive
 - Neil Gilbert & Michelle Paquet-Gilbert, 1172 Cerise Drive
 - Keith & Marcia Ankerman, 1169 Cerise Drive
- letter from Tinker, Kueng, Churchill & Co. solicitors for the developer of the subdivision asking that the City insist on strict compliance with the statutory building scheme
- petition bearing 11 signatures of area residents opposing the application because of increased traffic and noise, reduced property values, increase in density, secondary suites would negatively impact the neighbourhood, and the proposed suite is contrary to the statutory building scheme.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Paul Brownlee, applicant, advised the proposed basement suite is intended for use by a family member although he would like to be able to rent to someone else at some point in the future. Since the building scheme is registered on all the titles of the properties in that subdivision, he had assumed everyone buying there knew of the conditions for allowing suites. Mr. Brownlee advised that the proposed suite meets all conditions of the building scheme and added that he is aware of 3 other existing suites in the area. He noted he spoke to the neighbours on either side and they did not seem to have a concern with his application.

Mike Sehn, 1217 Cerise Drive, spoke in opposition commenting that once one suite is allowed it gets out of control and there is not enough money for City bylaw enforcement staff to control all the illegal suites. There is really no-one in the area in support of suites in the neighbourhood and safety is a concern with the number of vehicles parked on the street and vehicles exceeding the speed limit on Cerise Drive. Mr. Sehn stated that he was not aware that the building scheme registered on title included a clause for allowing secondary suites.

Ed Hutton, 1225 Cerise Drive, advised he was also speaking on behalf of his neighbour who could not be at this meeting and that they are completely opposed to this type of thing where a neighbour has to oppose what his neighbour wants to do. It ruins the relationship between neighbours. Their primary concern was the precedent that would be set for introducing suites into the neighbourhood but he also invited members of Council to take a look at the problem created by vehicles parking on the street and the dangerous curve in the road noting there have already been 4 serious accidents on Cerise Drive and that it is only a matter of time before there is a fatality. Mr. Hutton advised that he would never have bought his lot had he known there could be suites.

Paul Brownlee, applicant, responded to comments made advising he would not harbour any hard feelings with his neighbours if the subject application was denied. He noted his daughter often parks her car on the street in front of the house but that parking on the street is permitted. His home was constructed with an additional separate entrance in order to comply with the requirements outlined in the building scheme for allowing suites.

There were no further comments.

- (d) Bylaw No. 8421 (Z99-1013) – David and Tanya Newman; David Eric Newman – 412 McLennan Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 11, Sec. 35, Twp. 26, O.D.Y.D., Plan KAP51596, located on McLennan Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow the continued use of the existing secondary suite within the lower level of the single family dwelling.

The Current Planning Manager indicated the property on a map displayed on the overhead projector and advised this is another lot in the Hartman Road area proposed for a secondary suite. The building was constructed in 1997 when summer kitchens were permitted but it has been rented out illegally since then. The suite was first discovered in November 1998 and the current owner purchased the property in December 1998. In general, staff have no concerns with the technical side of the application.

The City Clerk advised that the following correspondence had been received:

- letter of opposition from Duncan & Judy Boyczuk, 1227 Friesen Road, expressing concern about potential concentration of illegal suites, increased density, traffic congestion, and reduced resale value of homes in the area if Council does not follow the approved area plan that designates where two family dwellings and single family dwellings with legal suites would be located;

- letter and 62 signature petition of opposition submitted by the following, all expressing concern that the existing problem with on-street parking would be compounded, people chose their lots in this area assuming that the preplan that showed where duplexes and suites would be allowed would be respected, the increased density will reduce the values of their homes:
 - Ken Hoffman & Lori Robertson, 380 McLennan Crescent
 - Mr. & Mrs. Trevor Romanchuk, 384 McLennan Crescent
 - Mr. & Mrs. Robert Bulach, 392 McLennan Crescent
 - Mr. & Mrs. Ernie Hoffman, 396/400 McLennan Crescent/355 Wallace Road
- late letters of opposition from the following all expressing concern that the proposed zoning is contrary to the adopted Hartman Road Sector Plan which identified the lots zoned for higher density and those lots were more expensive to purchase and had higher development cost charges, and expressing concern about the increased road traffic and on-street parking and that property values would be reduced:
 - Harry Christie, 408 Wallace Road
 - Larry & Shirley Reynolds, 430 Sumac Road East
 - Rutland Residents Association c/o 207–180 Hollywood Road North

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

David Newman, applicant, confirmed that he purchased the subject property at the end of December 1998 and that there were already tenants in the suite. He further confirmed that he was aware the suite was illegal but that he was also aware that he could apply for the 's' zone and keep the tenants in the suite during the rezoning process. He suggested that the on-street parking problems may have been caused by guests to his home and noted he could have asked them to park in the driveway had the neighbours said something about their concerns.

Ernest Hoffman, owner of 396 & 400 McLennan Crescent and 355 Wallace Road, commented that he has 10 lots in the neighbourhood and his advertisements for sale of the lots clearly say there are restrictions on the lots and that they can only be developed for what is identified in the area preplan.

Trevor Romanchuk, 383 McLennan Crescent, commented that the on-street parking problem has existed for a long time and should not be downplayed as simply being caused by Mr. Newman's guests. He added that they had hoped that by calling the City's bylaw enforcement officers the problem would be rectified without creating ill feelings between the neighbours; however, a language barrier may have made it difficult to discuss the problem with some of the neighbours.

There were no further comments.

- (e) Bylaw No. 8422 (Z99-1012) – Marty Van Mulder (R89 Enterprises Ltd.) – 954 Friesen Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 26, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP52738, located on Friesen Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow the construction of a secondary suite within the lower level of the existing single family dwelling.

The Current Planning Manager indicated the property on a map displayed on the overhead projector and advised this is another application in the Hartman Road area. He showed a photo of the house noting it is situated on a corner lot. Construction of the home started in 1998 and a summer kitchen was permitted through the building permit. The applicant now wishes to rezone to the 's' zone to permit a secondary suite. Staff

have no concerns from a technical standpoint but construction would have to meet current building code requirements.

The City Clerk advised that the following correspondence was received:

- letter of support from Kirpal Boparai, 374 Fizet Road

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Cathleen Loge advised she and her husband recently purchased the subject property from the Van Mulders and now own the house. They moved to Kelowna from Winnipeg to be close to her parents and, when the time comes, provide them a home. That is why they wanted a house with a suite. There is a separate back entrance for the suite and in the short term, until her parents move there, they may rent the suite. There are 7 parking spaces on the lot.

Bret Loge advised there are 7 parking spaces on the lot and that they only have one vehicle. City building department staff knew they were rezoning for the legal suite and so allowed them to build the house and suite to meet current building standards and they paid the appropriate costs to do that.

Cathleen Loge commented that it is better to legalize the suites so that the City has some control over where cars are parked and noted they want to abide by the rules and do things the proper way.

Harry Christie, 408 Wallace Road, advised he was opposed for the same reasons stated for earlier applications for the 's' zone in the Hartman area adding that because the suite was built without zoning is not reason to grant the rezoning.

Dave Cronquist, 1205 Friesen Road, questioned why the City would approve this application when the applicant could have found a neighbourhood with a lot intended for a suite instead of asking to change the density of the neighbourhood to allow their suite.

Ken Hoffman, 380 McLennan Crescent, commented that legalizing suites does not do anything to improve the safety of children.

Cathleen & Bret Loge noted that legal suites require off-street parking so if all were legal more cars would be removed from the street, thus improving the safety of children in the area. They advised that the kitchen for the secondary suite is finished but there is no one living in the suite because they have been waiting for this application to be approved first. The Van Mulders were intending to have their parents living there too but their situation changed and so that is why they sold. The suite has been built to meet existing building code standards.

There were no further comments.

- (f) Bylaw No. 8423 (Z99-1015) – Craig & Leila Koop – 465 Wigglesworth Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Section 26, Township 26 O.D.Y.D., Plan KAP52738, located on Wigglesworth Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow the construction of a single detached house containing a secondary suite in the lower level of the dwelling.

The Current Planning Manager indicated the property on a map displayed on the overhead projector noting the property is a corner lot also in the Hartman Road area. The secondary suite is proposed for the lower or ground floor. Construction was

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underway at the time this application was made. The suite would have to meet all Building Code standards. From a technical standpoint staff have no concerns.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Craig Koop, applicant, advised that before purchasing the lot he was advised of the 's' zone designation by City staff who also indicated it should not be a problem getting the zoning. It was on that basis that he purchased the property and built according to Code. Counting the 2-car garage, there are 6 parking spaces on the subject property.

Harry Christie, 408 Wallace Road, advised he was opposed for reasons already spoken and asked for a moratorium on all such applications until a study can be done of road impacts, etc. in the Hartman area.

Ernest Hoffman, owner of 396 & 400 McLennan Crescent and 355 Wallace Road, suggested that the City deal with all the illegal suites and then proceed with the 's' zone.

There were no further comments.

- (g) Bylaw No. 8424 (Z99-1003) – 554764 B.C. Ltd. (D.E. Pilling & Associates) – 170 Nickel Road - THAT the Future Land Use Designation on Map 15.1 of the City of Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600, be amended by changing the designation of part of Lot B, Sec. 27, Twp. 26, O.D.Y.D., Plan 25115, as shown on Map "A" attached to the Planning & Development Services Department report dated April 28, 1999, located on Nickel Road, Kelowna, B.C., from the Multi-Family Residential – low density designation to the Multi-Family Residential – low density transitional designation;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 27, Twp. 26, O.D.Y.D., Plan 25115, as shown on Map "A" attached to the Planning & Development Services Department report dated April 28, 1999, located on Nickel Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone. The applicant is proposing to subdivide the property and to construct a senior housing and congregate care facility on the southern portion of the site.

The Current Planning Manager indicated the property on a map displayed on the overhead projector noting the applicant's intent is to subdivide the property to create 2 lots with a congregate care facility on proposed Lot 1. The structure would be one-storey fronting Nickel Road, with a walk-out basement on the south elevation where the grade is depressed. Congregate care facilities would be provided on the main floor including 12 bedrooms, each with its own full bathroom, along with common living and dining areas. The lower floor is proposed to have some self-contained apartment style units for independent living and they could benefit from the services provided if desired by the tenant. Access would be off two points on Nickel Road. Four parking stalls are proposed near the front entry with additional parking on the lower level. The application was reviewed and supported by the Advisory Planning Commission subject to conditions that have been addressed by the applicant. The conceptual layout provided indicates considerable landscape screening around the majority of the property. Some trees may be lost in construction and those lost would be replaced with Douglas Firs. Staff recommend support.

The City Clerk advised that the following correspondence was received:

- letter from L. Lloyd, 175 Mills Road, expressing concern that run-off water from the proposed development could impact the septic field on his property.
- letter from Stella Partaik, 245 Nickel Road, expressing concern about the potential impact of the proposed development on property values.

The Current Planning Manager advised that the development would be on sanitary sewer and storm drainage would have to be contained and disposed of on-site. He added the proposal also includes 5 apartment units as well as an apartment for the caretaker.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

David Pauls, agent for the applicant, advised the applicant was subdividing to do phase 1 of the project. The balance of the property has an existing house on it and is not being rezoned at this time. The requested zone is a transitional zone that allows a 3 storey structure at considerably higher density than what is proposed.

Doris Vesner advised that the facility would provide food, housekeeping, and supervision with 24 hour management. Residents tend to be between 80-95 years and they generally rely on handidart services rather than driving their own vehicles.

There were no further comments.

- (h) Bylaw No. 8425 (Z99-1019) – Bromley Equity Ltd. (Jamie Brown) – 3618 Luxmore Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 34, Twp. 29, O.D.Y.D., Plan 28161, located on Luxmore Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone to allow the construction of a secondary suite within the lower level of the single family dwelling.

The Current Planning Manager indicated the property on a map displayed on the overhead projector noting the text amendment to allow suites in the A1 zone was first on tonight's agenda. The applicant is proposing to construct a secondary suite in the lower floor of the existing home and is also applying for a Development Variance Permit in association with that to deal with the overall size of the suite. Staff have no specific concerns regarding the application which meets all requirements with the exception of the size of the suite.

The City Clerk advised that the following correspondence had been received:

- letter from the applicant bearing 9 signatures in support.
- letter from the applicant bearing 2 signatures in support.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Jamie Brown, applicant, advised he canvassed the neighbourhood and all supported the concept of the suite.

A member of Council noted that bedrock is close to the surface in that area of the city. Mr. Brown explained what has been done to ensure that septic would not be a problem and advised the work was completed and inspected in accordance with City policy.

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There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 10:38 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am