

Public HearingMay 16, 2000

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, May 16, 2000.

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

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

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 "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 4, 2000, and by being placed in the Kelowna Daily Courier issues of May 15 & 16, 2000, and in the Kelowna Capital News issue of May 14, 2000, and by sending out or otherwise delivering 948 letters to the owners and occupiers of surrounding properties between April 28 and May 6, 2000.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8548 (Z00-1007) – Star-Line Enterprises Ltd. (Tony Vantgeloof) – 1891, 1893 & 1899 Ambrosi Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 4, 5, and 6, D.L. 129, O.D.Y.D., Plan 10140, located on Ambrosi Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Housing zone in order to allow development of the site for uses permitted in the RM5 zone.

Staff:

- A 6-storey, 48-unit multi-family development is proposed for construction over a parking structure that would be partially above ground.
- A variance would be required to vary the maximum height permitted from 4 storeys to 6 storeys.
- The building design includes stepped balcony features to provide transitional elements to the ends of the building.
- The top of the parkade would be landscaped with planters around the perimeter of the structure with a landscaped area accessible to the building residents.
- The proposed density conforms with the Official Community Plan and the Ambrosi Area Plan.
- The Ambrosi Area Plan recognizes the need for a road link from Kent Road through to Vasile Road and requires that all new development within the plan area be assessed a share for the future extension of Agassiz Road to provide that road link. The levy for the proposed development would be approximately \$66,000.

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

- letter of opposition from Orchard Haven Housing Society, 1931 Barlee Road, expressing concerns about increased traffic congestion in an already congested area; that the proposed building height is contrary to the OCP, would set a precedent

and would alter the character of the neighbourhood; and asking that the roads be upgraded before any new development takes place in the area.

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

Tony Vantgeloof, president of Star-Line Enterprises (applicant):

- Star-Line has been developing condos for going on 20 years and are developing in Kelowna, Vernon and Penticton.
- Star-Line has switched from wood to steel construction because of previous problems with fire through vandalism.
- The lifespan of the building doubles by going to concrete, the sound ratings are excellent, it is cheaper on insurance because of the low risk of destruction, and upkeep is considerably better than wood construction.
- Star-Line does not support the City staff recommendation to modify the proposed building design to provide stepped balcony features because that could result in water problems from snow melt during winter months.
- The additional storeys are necessary to make the proposed building viable and reducing the building footprint allows more greenspace.
- The proposed development is 20% below the permitted site coverage.
- The proposed building would be adult oriented.
- The City should consider creating a zone for 6-8 storey buildings.

Peter Neville, Orchard Haven Housing Society, 1931 Barlee Road:

- Orchard Haven is a 27-unit residential building within the notification radius for this application.
- Orchard Haven has no concerns about the developer or the requested rezoning. Their primary concerns are with the increased traffic congestion from such a large project and the 6-storey variance.
- 6 storeys is twice the height of the Orchard Haven building and could set a precedent for others to request the same variance and that would detract from the quality of life for the Orchard Haven residents who do not want to be looked down upon by their neighbours.
- The roads should be in place before development instead of the other way around and an improvement in the road situation is required before extensive further development occurs.
- If the road is not built, there will be a big temptation for the residents of the proposed building to trespass across other property to get to shopping in the area.
- Orchard Haven contributed their share toward the Agassiz Road extension and was told in 1994 that the road construction would occur within 5 years.
- Recognize the difficulty for the City to extend Agassiz to Kent Road but there should be sufficient funds collected to proceed with extending Agassiz to Vasile now.
- Submitted a 35 signature petition opposing the application because the local road system is already inadequate, the proposed building would alter the character of the neighbourhood, be precedent setting, and result in loss of view and privacy in the area.

Staff:

- The levy for the future road extension is a per-unit levy and significantly more development in the area will be required to raise the necessary funds to do the road.

There were no further comments.

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- (b) Bylaw No. 8550 (Z00-1005) – Christian Bond – 565 Coronation Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 36, D.L. 139, O.D.Y.D., Plan 1303, located on Coronation Avenue, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU2s zone.

Staff:

- There is an existing house and accessory building on the site. The garage was converted into a secondary suite without obtaining the necessary permit.
- If approved, Building Code infractions would have to be addressed prior to adoption of the zone amending bylaw.

The Deputy 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.

Sheree Moffatt, 562 Coronation Avenue:

- Lives across the street and in January was contacted by the RCMP to write down license plate numbers of vehicles coming and going to the subject property because of suspected criminal activities by the tenants.
- Concerned that legalizing the suite will add another of the same type of tenant to the neighbourhood.
- The house is in poor repair and the yard is a mess.

Hans Echterbecker, 558 Coronation Avenue:

- Concerned about the social fabric of the neighbourhood.
- The subject property has been very badly mismanaged by the present landlord.
- Opposed to anything that would condone the facilitating of any financial enterprise on part of the landlord or anything that enables the landlord to collect rent or derive profits from the property without any concern for the aesthetics of the neighbourhood.

Staff:

- The applicant proposes to remove a portion of the house adjacent to the lane and construct an addition on the east side of the house. That would allow parking off the lane.
- The accessory building is toward the front of the property and it would have to be brought up to Building Code standards.
- The subject property is 33 ft. x 123 ft. in size.
- There are no other properties in the area with the 's' zone.
- The applicant was advised of the date of this Public Hearing.

Council:

- Concerned about allowing two residences on such a small lot.

Sheree Moffatt:

- Asked for confirmation that she would have to buy an adjacent lot in order to rebuild because of the small size of her lot.

Staff:

- Depends on whether setback and on-site parking requirements can be met on the existing lot.

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P457/00/05/16 THAT the portion of the Public Hearing dealing with Bylaw No. 8550 (Z00-1005 – Christian Bond – 565 Coronation Avenue) be adjourned to Tuesday, May 30, 2000.

Carried

Councillors Blanleil, Cannan, Given and Shepherd opposed.

- (c) Bylaw No. 8551 (Z00-1015) – Chuan Guan Teh and Poh-Tin Teh (New Town Planning Services, Keith Funk) – 155 Nickel Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 27, Twp. 26, O.D.Y.D., Plan KAP56177, at 155 Nickel Road, Kelowna, B.C., from the RM4 – Transitional Low Density Housing zone to the P2 – Education and Minor Institutional zone in order to allow development of the site for uses permitted in the P2 zone.

Staff:

- The subject property was rezoned to RM4 several years ago to pursue a development that was never acted upon.
- The current applicants now want to develop a new Apostolic church and hence the rezoning.
- Access would be from Nickel Road.
- No Development Permit is required for property zoned institutional; however, conceptual plans have been provided to show that the site can be developed for the intended use meeting all requirements of the zoning bylaw.
- The conceptual plan indicates a 1-storey church with steeple feature with the building facing Highway 33 and parking at the rear.
- Conceptual plans have also been provided indicating how the site would be landscaped.
- Signage at the front of the property would conform to Sign bylaw requirements.

The Deputy 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.

Ed Jackson, #10-140 Nickel Road:

- The property as it is now is unsightly and the proposed development would clean it up.
- Supports the application.

Keith Funk, applicant:

- The landscaping plan provides significant greenery and will provide an even nicer setting than would be provided if the existing mature trees could be incorporated into the design.

There were no further comments.

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- (d) Bylaw No. 8553 (Z00-1024) – Egon & Rita Kulak – 593 Sherwood Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 167 and 358, O.D.Y.D., Plan KAP60832, located on 593 Sherwood Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

Staff:

- The subject property is currently vacant.
- The floor plan provided by the applicant indicates a suite on ground level with the main residence on the upper floor.

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

- letter of opposition from Janice & Gary Schwartz, 4495 Nottingham Road, suggesting that the rezoning would negatively impact the value of nearby properties and that the house would be out of character with the rest of the neighbourhood, and expressing concern about potential on-street parking and pedestrian safety with cars parking on a road with no sidewalks.
- letter of opposition from Doreen Gray, 4498 Nottingham Road, suggesting that the house size is not compatible with the existing neighbourhood and how the property is maintained could affect the value of her property.
- petition of opposition bearing 13 signatures stating the reasons for opposition are the small lot size, pedestrian safety, and out of character with the neighbourhood.

Mayor Gray advised that he is not related to the Doreen Gray at 4498 Nottingham Road and therefore was not in a conflict of interest for this application.

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

Egon Kulak, applicant:

- The location seems ideal for a secondary suite given that the subject property is adjacent to Anne McClymont School.
- The home that is constructed on the site may not be exactly the same as the floor plan presented at this meeting.
- The lot is approximately 60 ft. x 100 ft. in size.
- Submitted a petition with signatures of residents from 6 addresses on Sherwood Road, however, although the petition indicated those signing were agreeable, the petition did not state what they were agreeable to.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:35 p.m.

Certified Correct:

 Mayor

 Deputy City Clerk

BLH/bn

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