

Public HearingJune 13, 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, June 13, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, 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; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; 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 "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 25, 2000, and by being placed in the Kelowna Daily Courier issues of June 5 & 6, 2000 and in the Kelowna Capital News issue of June 4, 2000, and by sending out or otherwise delivering 502 letters to the owners and occupiers of surrounding properties between May 25 & 26, 2000.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8561 (HRA00-002) – City of Kelowna (Kelowna South-Central Association of Neighbourhoods, Keith Hewitt) – 865 Bernard Avenue - THAT the City of Kelowna enter into a Heritage Revitalization Agreement for the property at 865 Bernard Avenue, Kelowna, B.C., Lot 29, Block 15, D.L. 138, O.D.Y.D., Plan 262, and that part of Lot 28, Block 15, outlined red on Plan B4330, D.L. 138, O.D.Y.D, Plan 262, in the form of such Agreement attached to and forming part of the bylaw as Schedule "A", to vary the provisions of the RU6 – Two Dwelling Housing zone of the City of Kelowna Zoning Bylaw No. 8000 to allow the heritage property to be used for office and meeting space by non-profit organizations, and through the HRA govern all aspects of development and land use on the subject property and require the land owner to preserve, maintain and protect the heritage character of the building.

Staff:

- This application was adjourned from the May 30th Public Hearing at the request of the applicant.
- The application is for authorization to enter into a Heritage Revitalization Agreement (HRA) for renovation of the "Knowles" house for use as rental office and meeting room space.
- The HRA is between the City and the City since the City is the owner of the property. KSAAN would enter into a lease agreement with the City.
- The City has plans to develop the land to the immediate east as a heritage park.
- The caretaker in the house would serve as a watchdog for the park.
- There are two separate parcels that make up this homesite, part of Lot 28 and Lot 29, and fourth reading of the subject bylaw would be withheld pending consolidation of those properties and determination of the final terms of the lease agreement.

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

Mayor Gray invited 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. 8567 (Z00-1027) – Myles Bruckal (Comfort Living for Seniors, Karen Neal) – 962 Laurier Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 138, O.D.Y.D., Plan KAP64260, located on 962 Laurier Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding and Lodging House zone in order to allow development of the site for uses permitted in the RU6b zone.

Staff:

- The applicant has a similar development on the adjacent property to the east. The intention is to build a mirror image of that development on the subject property in order to maximize use of the open space.
- Access to the parking in the rear would be off an already improved lane.

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.

The applicant indicated he was available to answer questions of Council.

There were no further comments.

- (c) Bylaw No. 8568 (Z00-1029) – Fredrick Marin (Gryphus Land Use Planning Corporation) – 3584 Scott Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 134, O.D.Y.D., Plan KAP57403, located on Scott 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 house on the subject property was built between 1996-1997 and at that time the City allowed second kitchens provided an affidavit was signed indicating the second kitchen would not be used for rental purposes.
- The applicant is now seeking to legalize use of the second kitchen for a rental suite.
- There is a 2-car garage and paved driveway that could accommodate the additional parking.
- City Bylaw Enforcement staff have received no complaints about illegal use of the suite but they have received inquiries about use of the property for a daycare.

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

Support:

- letter from Hank & Blanche Polowick, 3585 Scott Road
- letter from Lorne & Rita Ayers, 749 Bechard Road
- letter from Joe Higgins, 717 Bechard Road

all supporting because the suite already exists and has not been a problem, it is a suitable use and will not have a negative impact on the neighbourhood.

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- letter from Aurore & Robert King, 3553 Scott Road
- 2 letters from Alfred & Joan Schmidt, 733 Scott Road
- letter from Perry Bentley, 3570 Scott Road
- petition bearing 36 signatures
- late petition bearing 22 signatures

all opposing because the lot is not large enough to accommodate two families and numerous vehicles, increased traffic, crime and hazard to pedestrians, the nature of the neighbourhood would be changed, absentee landlord, precedent setting for the area, property values would depreciate.

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

Fredrick Marin, applicant:

- The house was built as a rental house for his sister-in-law and she still lives there. The mother-in-law also lives in the house but not as a suite.
- The downstairs was developed and operated by his sister-in-law as a daycare until about 1-year ago but that was found not to be viable and the daycare ceased from downstairs.
- A daycare is still operated from the upstairs of the home and the daycare use is properly licensed with the exception of not having obtained a business license.
- The house was constructed with the thought in mind that if the downstairs was not viable as a daycare it would be used as a suite.
- The building was constructed in compliance with all City regulations and the minor changes required to bring the suite to Code will be no problem.
- Gryphus Land Use Planning prepared a flyer and went to all homes within 100 m radius to explain the subject application and of the 37 homes surveyed, 1 person was opposed, 2 had some concerns but were not necessarily opposed, and 1 phone call was received from a person definitely opposed.
- Confirmed that he is not a resident of the home but advised that he lives a block away and has lived in the neighbourhood for 12 years.
- As the owner of 3 properties in the neighbourhood, it would do him no benefit to do anything to depreciate property values.
- The suite is suitable for seniors and the first floor of the home is handicapped accessible.
- One or two more cars would not make a huge impact on traffic in the neighbourhood.
- Don't see how crime would increase.
- Of the 88 properties in the area, 11 are rented right now, one more would make no difference and would not be precedent setting.
- Take exception to statements in the letter from Mr. King.
- Of the 36 homes that signed the petition, only 3 have school aged children; the people with children are not concerned with this application, it is the people who are retired.
- Received calls from people saying the lady taking around the petition was abusive when they wouldn't sign.

Peter Newton, 1301 Glenmore Road

- Interrupted the meeting by coming forward and throwing down a pail of sewage and shouting threatening remarks to the City Manager and accusing Council of destroying the Glenmore neighbourhood.

Mayor Gray:

- Explained to the viewing audience that Peter Newton's comments were in response to Council's recent decision to move the Ogogrow Facility to the Glenmore Landfill in 2001.

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- Noted that Mr. & Mrs. Ulansky and Mr. & Mrs. Smith on Bechard Road and Mr. & Mrs. Pike on Southwind Drive all wrote letters to the Mayor after receiving the flyer on this application but their letters were not mentioned by the City Clerk.

Mayor Gray confirmed that all 3 letters had been circulated to Council.

Joyce Pike, 722 Southwind Drive:

- Denied that she was rude or abusive when taking around the petition.
- The people who signed were all over 50 and all read the petition before signing. The petitioners are all worried that this will set a precedent for more secondary suites, legal and illegal, the area will become multi-family housing leading to more people, traffic and crime.
- When she phoned the applicant, he was not interested in hearing the concerns of the neighbours.
- Rental properties with absentee owners can bring undesirables into the neighbourhood.
- Property values will depreciate in the area.
- Safe Kids Canada was shocked that the City is allowing suites near an elementary school and will be interested in the outcome of this application.
- Not all parents are able to walk with their children to ensure their safety going school.
- Apparently a business license was obtained for the daycare as a result of the neighbourhood alerting City bylaw enforcement staff.
- With people living up and down the dwelling on the subject property becomes multi-family housing and children's safety in the streets comes first.
- Would not oppose the owner living on the property and taking in boarders because they are not allowed to cook.

Douglas Pike, 722 Southwind Drive:

- Support for the points raised by his wife; her concerns are legitimate.
- The people who are opposed should be taken seriously and their concerns respected.
- This application should not be rubber-stamped.

Roy Larson, 3595 Scott Road:

- Bought in this area with the understanding that it was a single family neighbourhood.
- Concerned that the owner will put a suite in the basement of his other property on Bechard Road and then have 4 rental properties.

Staff:

- Limited daycare uses (care centres) are permitted in any single detached housing zone and can be for adults that require supervision as well as for children. The number of people that can be under care at any one time is limited to 6 or 8.
- Requires a license from the Ministry of Health as well as a business license from the City.

Perry Bentley, 3570 Scott Road:

- Opposed on the basis that the rezoning would inevitably lead to more similar applications as there are several illegal suites on Scott Road now.
- It sounds like it is easier to legalize a suite when there has been complaints to the City.
- The 40 odd people who did not sign the petition of opposition may not necessarily be in support – they may not have been home.

Mike Culos, local developer:

- Speaking as the developer of much of the Southwind neighbourhood in this area - most of the houses do not have basements and so any suites would have to be on the main floor.
- Speaking as a past director of the City's Social Housing Committee - the committee looked at processes on how to develop legal suites and in doing so touched on all the concerns raised tonight and still determined that the subject area was a great neighbourhood for suites.
- Speaking as a friend and business associate of the applicant - the subject property is a classic picture perfect case for what the 's' zone was developed for.

Fredrick Marin, applicant:

- Does care about the neighbourhood concerns and at no time said otherwise.
- Clarified that he lives at 623 Southwind Drive but also owns 746 Bechard Road which he subdivided to develop the property that is subject of this application. His garage and shop are on the property next door and he has no intention of developing a suite there.

Staff:

- The present zone allows up to 5 unrelated people by blood and there could be more with boarders and lodgers.

There were no further comments.

- (d) Bylaw No. 8569 (Z99-1066) – Hume-Smith Contracting & Development Co. Ltd., Larry Shoemaker, Varitec Enterprises Ltd. and Dorothea Leguilloux (George Hume-Smith, Hume-Smith Contracting) – 510 & 550 Pearson Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan 33327 except Plan 37708; and Lot 9, Sec. 26, Twp. 26, O.D.Y.D., Plan 25504, located on Pearson Road and Josselyn Court, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone in order to allow development of the site for uses permitted in the RU2 zone.

Staff:

- The rezoning would facilitate subdivision of the 5.4 acre property to create 29 single family residential lots.
- The existing zoning would yield 25 lots; the requested zoning would yield 29 lots.
- The application is consistent with City development policies in terms of supporting increased density of development through sensitive infill.
- The Advisory Planning Commission recommends support subject to City staff reviewing the potential for a road connection to Hollywood Road and installing stop signs at the proposed 3-way intersection for pedestrian safety. The APC also suggested amending the subdivision plan to include a walkway and that the applicant consider a building scheme for the subdivision.
- City Transportation staff considered a main access off Hollywood Road but the applicant would have to purchase an adjacent property (Lot 2, Plan 31306) to gain access at the required road width.
- A walkway is proposed adjacent to Lot 29 and a sidewalk is proposed along Pearson Road fronting the subject properties even though the subdivision bylaw does not require the sidewalk. The proposed walkway and sidewalk follow the route pedestrians are now taking.
- A stop sign would be erected at Pearson/Josselyn Court and there is a crosswalk and appropriate signage on Hollywood Road already.

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

Support:

- letter from the Rutland Residents Association supporting the rezoning and expressing comments regarding servicing for the proposal.
- Late letter from Varitec Enterprises, co-applicant, outlining the proposal and reasons for requesting RU2 zoning.

Opposition:

- letter from Philip & Diane Sharp, 495 Pearson Road, along with a 42-signature petition opposing on the basis that the Pearson Road access increases the potential for danger to children and pedestrian traffic, incompatibility with the neighbourhood, and concern with grade levels and retaining walls.
 - letter from Peter & Anne Iskiw, 757 Josselyn Court
 - letter from Peter Rudiak, 556 Benson Court
 - letter from Laurie & Randy Wickenheiser, 529 Keithley Road
 - 2 letters (1 late) from Gerhard Boepple, 535 Keithley Road
- all opposing on the basis that the entrance should be off Hollywood Road not Pearson Road and Josselyn Court, too many small lots, the value of existing homes in the area would be reduced, the plan includes no provisions for green space, the proposed development would detract from the overall appearance of the neighbourhood.

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

George Hume-Smith, applicant:

- Proposing to develop 29 lots instead of 25 for more efficient land use.

Philip Sharp, 495 Pearson Road:

- Not opposed to developing the subject property.
- Pearson Road is a direct link to schools and recreational facilities and other roads are also used to get to those facilities so cannot just focus on pedestrian safety at the one intersection.
- Generally speaking, a typical size lot in the neighbourhood is ¼ acre. The subject property would yield 17 or 18 lots maximum if the proposed lot sizes were compatible with existing lot sizes.
- Does not view the proposed subdivision as sensitive infill development.
- Concerned about the impact on the lifestyle of families in the surrounding neighbourhood if excess number of lots built in the proposed subdivision.
- Proposed a traffic solution in the event that in future centre medians are installed on Hollywood Road and submitted that access off Hollywood Road would solve traffic concerns.
- There is a lot next to one of the laneway access points onto Hollywood Road that is vacant and for sale. The applicant could buy that lot and widen the lane to provide access to the subdivision from Hollywood Road.
- There have been accidents at the intersection where the proposed access would be.
- Road detours are required to allow the installation of sanitary sewer that is occurring in Rutland. When sewer is extended to this neighbourhood, the congestion created by the detours coupled with traffic from this development could create a nightmare on residential streets.

Staff:

- Clarified that the existing lots west of the proposed subdivision have on-street parking fronting Hollywood Road and on-site parking off a rear lane. The intent would be to widen that lane to allow 14 of the lots in the proposed subdivision to also have

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lane access off Hollywood Road. The other 15 proposed lots would be accessed off Pearson Road.

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- Concerned about the number of homes proposed and safety of children.
- Concerned about the difference in property elevation between the subject property and her parent's property.

John Flintoff, 546 McWilliams Road:

- Concerned about how the neighbourhood children will get to school when Hollywood Road is 4-laned.
- The vacant lot should be purchased by the applicant in order to create the main access to the subdivision off Hollywood Road.
- Proposed a traffic solution and suggested that ICBC may come forward with financial aid to create a safe intersection for pedestrians.

Tony Penney, 725 Fraser Road:

- Support for the concerns expressed by Philip Sharp.
- A surprising amount of traffic uses the narrow lane by his property; if that was to increase, it would become more dangerous particularly for small children playing in the area.
- Prefer access off Hollywood instead of directing more vehicles into areas not designed to handle much traffic flow.

Staff:

- Do not support the main access being off Hollywood Road because of concerns about the amount of pedestrian and vehicle traffic that use the existing 6 laneway access points to Hollywood Road between McCurdy and McWilliams Roads.
- The lane between the existing lots and 14 of the proposed lots is 18 ft. wide and will be widened to today's standards as part of the subdivision application.
- The applicant is willing to work with staff to allow the owner of Lot A access to his garage off the cul-de-sac.
- Sanitary sewer will be extended to the proposed subdivision from McCurdy Road.
- A requirement of the building scheme would be that the 14 lots adjacent to the lane be developed with garage access to the lane.

Philip Sharp, 495 Pearson Road:

- Concerned that guests of the 13 lots on the Hollywood Road side of the proposed subdivision would park on the laneway adding to the congestion that already exists.
- The applicant should acquire the empty lot and make a proper road through to Hollywood.
- Pearson and Josselyn are not the only residential roads in the area where school children and other people walk and the whole neighbourhood will be impacted.
- If access has to be from Pearson, then recommend further stop signs and traffic calming measures and sidewalks throughout the neighbourhood.
- Imposing a higher density than what exists is not fair. Even the 25 lots that would be permitted under the existing zoning would not be compatible with the existing lots. The area residents want lot sizes that are compatible with their lots sizes.

John Flintoff, 546 McWilliams Road:

- The two lanes would be a perfect spot for a controlled intersection to help flow of traffic in the area.

George Hume-Smith, applicant:

- Worked closely with City staff and most issues are addressed.
- With what is proposed, the traffic burden would be split between Hollywood and Pearson Roads.
- Without access off Hollywood, the subdivision seems more rural in nature.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 9:14 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn