

Public HearingMay 22, 2001

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 22, 2001.

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; 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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 4, 2001, and by being placed in the Kelowna Daily Courier issues of May 14 & 15, 2001, and in the Kelowna Capital News issue of May 13, 2001, and by sending out or otherwise delivering 434 letters to the owners and occupiers of surrounding properties between May 2 & 3, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8676 ((Z01-1014) – Joe Pagliaro – 1281 Monterey Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Section 30, Township 26, ODYD, Plan 16843, located on Monterey Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in or to allow development of the site for uses permitted in the RU1s zone.

Staff:

- There is an existing suite in the basement of the dwelling.
- Parking requirements can be met on-site.
- One complaint has been received by the City regarding the illegal suite and that is what triggered this application.
- The applicant has provided a petition in support of the rezoning.

Councillor Cannan entered the Council Chamber at 7:05 p.m. and took his place at the Council Table.

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

- Letter from J.M. McConnell, 1321 Monterey Crescent
- Letter from Glenn J. Coe, Monterey Crescent
- Late letter from Robert & Rosemary Capell, 961 Montcalm Drive

All opposed because parked cars present a hazard on the narrow street, approval would set a precedent for similar rezonings and that would lead to a decrease in property values.

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

Joe Pagliaro, applicant:

- Would like to legalize the suite to provide affordable accommodation in a desirable area of the city. The suite helps off-set the mortgage payments.
- The required upgrades to the suite are about 80% complete.
- He resides in the home and has no plans to move in future.
- He explained exactly what it was that he proposed to do when taking around the petition in the neighbourhood and the vast majority of the neighbours did not object.
- The suite has been in existence for approximately 4 years.
- Read and submitted a letter of support from Rennie Oliver & Melanie Jeffery, 1272 Monterey Crescent.

Council:

- There is no separation between the driveway of the subject property and the neighbour's driveway to the east.

Joe Pagliaro, applicant:

- Indicated he would be willing to put a fence along the property line of the driveway.

Glenn Coe, Monterey Crescent:

- His letter outlines his concerns.
- The neighbourhood was quiet without any problems until renters came.
- Would like to keep the Crescent the way it is and afraid of what will happen if this is approved.

Staff:

- Displayed photos provided by Mr. Coe showing on-street parking, vehicles and boat parked in the applicant's driveway, the rear of the applicant's house, and the two adjacent driveways.

Joe Pagliaro, applicant:

- There would only be 1-2 people in the suite at any given time. He lives upstairs and does not want a lot of people there and he has a baby on the way so wants to keep things quiet.
- The suite would be rented through a thorough screening process.
- The picture of the street in front of the subject property was taken April 21st on his birthday and he had some people over. At the same time there was a funeral at one of the other houses on the street. The on-street parking shown in the photo is an exception not the rule.

There were no further comments.

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- (b) Bylaw No. 8677 (Z01-1008) – The Board of School Trustees, School District No. 23 (Judy Shoemaker) – 805-815, 895 Craig Road, 621 Hartman Road and 650 Webster Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Plan 5136 except Plan 21455; Lot A, Plan 21455; Lot 1 and Lot 2, Plan 14324; all of Sec. 25, Twp. 26, O.D.Y.D., located on Hartman Road, Craig Road, and Webster Road, Kelowna, B.C., from the RU1 – Large Lot Housing, RR2 – Rural Residential 2, RU6 – Two Family Dwelling, and A1 – Agriculture 1 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 property was conditionally excluded from the Agricultural Land Reserve in March 2001 for a school site.
- A condition of the Land Reserve Commission included the provision of a 10 m buffer along the west property boundary to buffer the agricultural land to the east and that has been agreed to by the applicant.
- Concept plans provided by the School District show the school on the southeast corner of the site with access off Webster and Craig Roads. There would be no access to the site from Hartman Road and therefore Hartman Road would not be signed for a school zone.
- The lands to the west are part of Athans Pool and the Rutland Sportsfields.
- The application was reviewed and supported by the Advisory Planning Commission with no conditions.
- No Development Permit is required because the application is for Institutional zoning.
- The Ministry of Education does not provide for off-site improvements as part of their capital program for developing new school sites. As a result, a total of \$179,000 of improvements that would normally would be borne by the applicant would have to be paid by the City and would come forward as a budget item if this application is supported.

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

- Letter of opposition from Herman & Grace Brundula, 688 Webster Road, who as owner/operators of an orchard are concerned about health and safety risks to the school children and increased traffic on already busy roads.
- Late letter from Scott Reid & Theresa Banka, 1185 Graf Road, opposed because Hartman Road is already unsafe for children.

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

Judy Shoemaker, applicant:

- The existing Rutland Elementary School is ageing and there are significant constraints to maintaining it as a school site. The site is undersized (5 acres) and will be further reduced in size when Rutland Road is widened. It would cost 2/3 the cost of a new school or greater to bring the brick building up to standard and enlarge it and there would still be unresolved problems.
- Before the subject property was purchased, City staff were consulted and agreed that the site was an appropriate location for a school from a Planning and Engineering perspective. There has been a great deal of consultation and good will between City and School District staff.
- The School District did a traffic impact study which indicated the proposed school location would have a positive impact on redistribution of traffic.

- The 10 m buffer from the adjacent orchardist would have 2 rows of trees planted at a 10 ft. height and at close spacing and there would be fencing on the west side to keep the public out of the buffer zone. There are other schools adjacent to orchards and the School District has always developed an understanding with the orchardists for advance notification of spraying and burning days so children with breathing problems can be kept inside.
- 60% of the students live east of Rutland Road and so the number of students that have to cross Rutland Road will be greatly reduced.
- No regular school buses currently serve schools in Rutland and it is not likely buses would be introduced in future. A small bus for handicapped students would be the only regular bus to the site.
- Parent drop-off and pick-up is always of concern and a good amount of lay-by room would be provided. On site pick-up and drop-off is discouraged as much as possible to minimize conflict between vehicles and students.
- School funding allocations are set by regulations out of the control of School Districts. Capital funding is provided for needed classroom space, not infrastructure improvements. Every school that has been built since 1993 has been built under these regulations and so there has always been extra costs for local government. The Ministry of Education is paying costs of frontage upgrades and DCCs.
- The School District would not object to joint use of the parking lot and has already had preliminary discussions with City staff in that regard. The school has adequate sportsfields to accommodate the elementary program and does not anticipate need for use of the adjacent sportsfields. If extra sportsfields were needed for a playday or other special event the field would probably be booked through the normal booking process. No joint use of the building is anticipated. The City was approached to see if there was interest in enhancing the building for community use, as the School District had hoped that a community room would be possible, but it was not deemed by City staff to be supportable because of existing amenities in the area.
- The school building would house approximately 400 students and will cost \$4.5 million to construct. The project would hopefully go to tender this December or next January for occupancy in Spring break of 2003.
- The School District has no plans to demolish or destroy the Rutland Elementary School buildings in any way. City staff were asked if the City wanted to acquire the site for public use but were not interested, again because of other facilities in the area.
- The School District cannot designate the Rutland Elementary School building for heritage. The former school site will be put up for public tender and the proceeds from sale of the property have been committed to fund the construction of the new school.

Council:

- The former school is identified as a Class "A" building on the Heritage Register. Without some protection in place, the building could be demolished by a potential buyer.

There were no further comments.

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- (c) Bylaw No. 8678 (Z01-1021) – 482627 BC Ltd., Envirotech Real Estate Inc., Gordon A. & Emelie D. Wallace, Dorothy & Elizabeth Howe, W & S Bernard Investments Ltd. (Envirotech Real Estate Inc.) – 1681, 1683, 1659 & 1667 Ethel Street; 931 & 941 Leon Avenue; and 932 & 942 Harvey Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, DL 138, O.D.Y.D., Plan 3133, Lot 2, DL 138, O.D.Y.D., Plan 3133 Exc. Plan 36604, Lots 1,2,3, & 4, DL 138, O.D.Y.D., Plan 6535, and Lots 1 & 2, DL 138, O.D.Y.D., Plan 3007 Exc. Plan 36604, located on Harvey Avenue, Ellis Street, & Leon Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing zone in order to allow development of the site for uses permitted in the RM6 zone.

Staff:

- An additional lot has been added to the property assembly since the previous application so that the subject application now includes 8 properties.
- The previous application was for a 16-storey building on the site. The project has been redesigned taking into consideration input from the last Public Hearing and the subject application is now for a 12-storey building, still referred to as the Emerald Chateau, with approximately 140 congregate housing units.
- Access/egress to the site would be from Leon Avenue.
- The initial proposal for a 16-storey building and the current proposal for a 12-storey building were both reviewed and supported by the Advisory Planning Commission with no conditions.
- The applicant has voluntarily signed a covenant agreement, with an undertaking to register the covenant on title to restrict the building height to no higher than 12 storeys.
- The application has always been consistent with the Official Community Plan. The revised application is now consistent with the previous North Central Neighbourhood Plan that was done for this area which indicated maximum 12 storeys.
- The requested zoning would permit conversion to hotel at a future date provided the hotel use was secondary to the residential use and on-site parking requirements could be met.

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

- Letter of support from Charles Pachal, 928 & 930 Leon Avenue.

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

Tor Camren, applicant:

- Many meetings have been held with the residents in the neighbourhood, as a group and individually and with the area Neighbourhood Association. The project has changed considerably as a result of all the input received.
- The building height has been reduced from 16 to 12 storeys and the setback from Ethel Street has been extended by a further 8.5 m for a total setback of 17.5 metres to accommodate the residents of the Dorchester.
- The proposed landscaping plan has been completely revised to a Japanese style garden with 70% of the site being retained as green space to reduce the shadowing impact on neighbouring properties.
- Construction is expected to provide jobs for around 80 person years and continuous employment for about 50 people.
- Traffic congestion on Harvey would be eased with the right turn lane onto Ethel Street.
- The proposed building would be the only non-combustible congregate care facility in Kelowna and it is probably the only such facility with substantial water views.
- The proposed development would encourage integration of the residents with the community.

Public HearingMay 22, 2001Dennis Foote, architect for the proposed development:

- Circulated a sample board of the materials to be used and briefly described the proposed building.

Tom Woloshyn, landscape architect for the project:

- Described the proposed landscaping and yard amenities intended to be attractive for residents inside and outside the site.

Rev. Dr. Kenneth Ince:

- Supports the non-combustible design.
- The location provides easy access to amenities including the lakefront and cultural activities.

Joan Gordon, Kelowna South Central Neighbourhood Association (KSAN):

- About 46 members of KSAN participated in an information exchange at their Annual General Meeting. Based on the views of its members, the KSAN Board feels that the proposed new structure would still have a negative impact on the neighbourhood. The concerns include inappropriate building style, loss of privacy to a large residential area, shadowing, traffic and parking issues, and highway noise and exhaust fume exposure in addition to concern that the building could become a hotel.
- KSAN had hoped for a terraced building design rising to 8 storeys.
- KSAN is not opposed to a higher density on the subject property but would like to see a better building design to suit the site and the adjoining neighbourhood,
- KSAN appreciates the efforts to save some mature trees and suggests that the proposed dark red brick should be orange tan colour.
- KSAN was invited to information meetings with the applicant but there was no meaningful consultation. After three Public Hearings, aside from the height reduction and new brick facing nothing has changed.

Art Suke, 2096 Bennett Road:

- Supports the application.
- The subject property is currently more like a used-car parking lot.
- The proposed facility would be an attractive addition to the city and the location is excellent for seniors.

Norm Barrett, 933 Harvey Avenue:

- Supports the application and moving toward higher buildings with a smaller building footprint versus lower buildings with a larger footprint.

Anita Clausen, 933 Harvey Avenue:

- Initially opposed this project but her concerns have now all been addressed and she now supports the application.

Lois Hales, registered nurse and manger of a seniors facility:

- Supports the application.
- The project allows another choice for our seniors for healthy lifestyle. Baby boomers are coming and they will be demanding top notch accommodation and servicing. The project is located well and will enhance the life of seniors in this community.
- Suggest Council consider imposing a minimum building height restriction along with the maximum height restriction.

John Preston, 2056 Bolton Road:

- Supports the application.
- The developer has addressed the items of concern and should be allowed to proceed.
- Densification should be encouraged on the periphery of the city.

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- Initially opposed the project but the covenant restricting building height and the design changes are a good compromise.
- Supports the application now.

Mable Muntean, 945 Lawrence Avenue:

- Did not hear about the meeting at Mekong until after the fact. If there were other meetings she missed them.
- Traffic on Ethel Street is heavy and pedestrians can wait at the corner for a long time before vehicles stop to allow them to cross.
- There are no marked crosswalks across Ethel Street between Bernard and Harvey Avenue.
- Would prefer 8 storeys and a colour other than Emerald green.
- Would rather not save the trees on Ethel Street – they are scrappy looking.

Fred Marshall, Mountain Avenue:

- Supports the application.
- Kelowna is growing and needs this type of facility.
- The facility would contribute a lot to the economy.

Tor Camren, applicant:

- Intends to establish a non-profit foundation for the Okanagan Valley to provide intellectual stimulation for the seniors.

Keith Funk, consultant for the applicant:

- Spoke in opposition to the previous application on behalf of the area neighbourhood association.
- Supports the application now that height, building design and landscaping issues have been addressed.
- The project responds to community needs and is a good compromise.
- At least 2 meetings were scheduled with the neighbourhood association to explain the revised proposal and the association was given an open invitation to meet any time.
- There would still be shadowing caused by the proposed building but only for short periods. The parking lot would still be 1.5 m above grade but the setback from Harvey Avenue would be increased to provide more space between the sidewalk and parkade.

Tor Camren, applicant:

- The initial proposal was for 134 units. The number of units now proposed will be reduced from 136 to about 130 in order to create more 2-bedroom units instead of bachelor units.
- The 3rd & 4th floors of the proposed building would be rental units and the balance would be condominium units for sale. There are 14 units on each of those floors so there would be a total of 28 rental units.
- Dr. Ince also had 2 meetings with KSAN in mid April to discuss this proposal.

Dennis Foote, architect:

- The penthouse machine room would rise about 17 ft. above the roof.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 9:37 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am