

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, January 22, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanche, 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: Acting City Manager/Director of Planning & Development Services, R.L. Mattiussi, 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 7:03 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 Friday, January 4, 2002, and by being placed in the Kelowna Daily Courier issues of January 14 & 15, 2002 and in the Kelowna Capital News issue of January 13, 2002, and by sending out or otherwise delivering 980 letters to the owners and occupiers of surrounding properties between January 4-8, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 Como Developments Ltd. (Ron Molina)

- 3.1 Bylaw No. 8781 (Z01-1057) – Como Developments Ltd. (Ron Molina) – 371 Glenwood Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, D.L. 14, ODYD, Plan 3393, located on Glenwood Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow for development of the site for uses permitted in the RU1s zone.

Staff:

- The applicant intends to demolish the existing house and construct a new 1-storey dwelling with a secondary suite.
- The property is within the Abbott and Marshall Street Conservation Area and therefore demolition of the existing house triggers need for a Heritage Alteration Permit (HAP). The HAP application has been submitted by the applicant and will be dealt with by the Planning Department in keeping with Council's decision to delegate authority to approve minor HAPs to the Director of Planning & Development Services.
- The proposed new dwelling has been designed with the principal dwelling on one side and the secondary suite on the other side, both with entrances fronting Glenwood Avenue. The applicant has been made aware that for the HAP to be approved, modifications are required to the entrance features at the front of the house to emphasize the main entrance and de-emphasize the entrance to the secondary suite.
- Parking would be provided in a 3-stall carport off the lane in the rear. Some storage space is also proposed within the carport.

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

- letter of support from Olga & John Graham, 361 Glenwood Avenue.
- late letter from Kelowna South-Central Association of Neighbourhoods (KSAN) expressing concern that the dual-entrance design does not maintain a single family appearance and may set a precedent for future development 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.

Valerie Hallford, president, Friends & Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS):

- Concern is with the HAP. FRAHCAS agrees with KSAN that the dual entrance features could set dangerous precedent.
- Suggest the design be referred back to the applicant for changes to a more suitable design.

Marietta Lightbody, 2302 Abbott Street:

- Agreed with the comments of the previous speaker that the design should be improved before the HAP application is approved.

Staff:

- The Community Heritage Commission reviewed the HAP application and passed a motion of non-support because of the proposed design and the Director of Planning & Development Services is aware of their concerns.
- Council could adopt the rezoning bylaw tonight but demolition cannot proceed until the HAP has been approved and staff are not prepared to accept the design as it. The design changes that staff have requested are to change the focus on the entrances and perhaps to change the suite entrance to the side.
- The Heritage Development Guidelines say any renovations or new construction should reflect the building style along the block face that the property is on. What exists on this block is a bit of a mixed bag. The subject property is identified as late vernacular cottage and there is another example of that style across the street. The other homes are newer and of questionable heritage character.

There were no further comments.

3.2 Paul Leinemann Construction Ltd. (Gordon Hartley)

- 3.2 Bylaw No. 8782 (Z01-1042) – Paul Leinemann Construction Ltd. (Gordon Hartley) – 2999 Tutt Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 135, ODYD, Plan 9308, located on Tutt Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the C4 – Town Centre Commercial zone to allow for development of the site for uses permitted in the C4 zone.

Staff:

- The applicant is proposing to construct a 3-storey building addition onto the north side of the existing 3-storey medical offices building.
- The proposed addition would also include storefronts along Tutt Street with offices above.
- Development Permit and Development Variance Permit (DVP) applications would be considered concurrent with adoption of the zone amending bylaw. The DVP would relax the requirements for a loading stall.
- The C-4 zoning allows a maximum 4 storey building height.
- The application was reviewed and supported by the Advisory Planning Commission.

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

- late petition of opposition bearing 13 signatures from residents of 3000 Richter Street, concerned that the 3-storey building would block the view of condominium owners on adjacent property.

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

Gordon Hartley, applicant:

- The proposed addition completes the eastern boundary of the town centre.
- This would be the third and final addition to the existing building.
- The proposed addition picks up the same character of the existing building and the building height is consistent with what is already there.
- Considered a 4 storey building addition with a smaller footprint but felt the building would be too massive.

There were no further comments.

3.3 Nino & Aimee Giammarino (Nino & Denise Giammarino)

- 3.3 Bylaw No. 8783 (Z01-1049) – Nino and Aimee Giammarino (Nino and Denise Giammarino) – 874 Raymer Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot F, D.L. 580A, SDYD, Plan 25951, located on Raymer Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow for development of the site for uses permitted in the RU1s zone.

Staff:

- The applicant is pursuing the requested rezoning in order to pursue additional development on the property.
- The subject property is a large lot and there are a number of options available (i.e. subdivision or development of a duplex). At this time, the applicant only wants to pursue the 's' zoning designation.
- The applicant intends to leave the existing house in tact and to build a new house which would then become the principal dwelling. Usually the dwelling comes first and the secondary suite comes after. In this case it will be the other way around.

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.

Denise Giammarino, applicant:

- Indicated she had nothing to add at this time.

There were no further comments.

3.4 Fred Sheroinin

- 3.4 Bylaw No. 8784 (Z01-1053) – Fred Sheroinin – 975 Guisachan Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, D.L. 136, O.D.Y.D. Plan 30065, located at 975 Guisachan Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow for development of the site for uses permitted in the RU1s zone.

Withdrawn from the Agenda.

3.5 CPAC (Lakeshore Gardens) Inc. (Doug Lane/Water Street Architecture)

- 3.5 Bylaw No. 8785 (Z01-1054) – CPAC (Lakeshore Gardens) Inc. (Water Street Architecture – Doug Lane) – 654 Cook Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, D.L. 134, O.D.Y.D. Plan 34182, located on Cook Road, Kelowna, B.C. from the C9 – Tourist Commercial zone to the RM5 – Medium Density Multiple Housing zone as shown on Map "A" attached to the report of Planning and Development Services Department dated December 12, 2001 to allow for development of the site for uses permitted in the RM5 zone.

Staff:

- The subject property was an RV campground. When the City of Kelowna Zoning Bylaw went through some changes, the property became zoned C-9 which incorporated the RV campground uses as well as other uses.
- Under a previous application, the subject property was proposed for development of a multi-level care facility with some residential.
- The applicant now proposes to subdivide the property into 2 lots. One lot would remain zoned C9 and the lot to the east would be zoned to RM5.
- The intent is to develop an apartment hotel fronting Lakeshore Road and to develop the easterly portion of the property in a congregate housing facility with 151 units of congregate care and 36 units of seniors care facility. The 36 units would have the potential of being licenced care.
- Some surface parking would be provided and under-building parking would be provided as well. Parking requirements for 189 stalls would be met. If at times there is need for extra parking for the apartment/hotel, it could be in the congregate area where typically less parking is required.
- At initial consideration, Council enquired about future designs for Lakeshore Road. Works & Utilities staff indicate the future design standard for this location is a 4-lane, class 2 arterial road with separate sidewalks on both sides, boulevard, bike lane, 2 driving lanes and room in the middle for medians. There is sufficient room within the existing right-of-way for those improvements.
- The west side of Lakeshore Road has already been upgraded to full urban standard. Technically that side of Lakeshore is a no parking zone but because there is excess road there, informal parking has been permitted on the west side. Similarly there has been informal parking on the east side of Lakeshore Road. That arrangement will likely continue until the 4-lane road width is required for traffic.
- Timing for construction of the sidewalk fronting the subject property would be at the discretion of the applicant.
- If there is a transit stop, it would be accommodated within the City right-of-way.

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.

Doug Lane, applicant:

- Indicated he had nothing to add at this time.

Jamie Brown:

- Owns the property that is the remainder of Sommerville Corner.
- Speaking on behalf of himself as the property owner for the balance of the lands.
- Pleased to see building is within the height guidelines. Would be opposed to any development in the area that would exceed 4 storeys.
- Not concerned about the short term parking on Lakeshore Road (until the road widens) but is concerned that there is no parking restriction on the south side of Cook Road where the residents of Sommerville have homes fronting Cook Road. Asked that the applicant direct his construction traffic to not park there between 7 a.m. and 7 p.m. out of courtesy to the Sommerville residents, and that instead they park on Lakeshore Road or in the City parking lot across Lakeshore Road.
- During the summer the City charges for parking across Lakeshore Road. Consequently, people park on Cook Road in front of the residences where parking is free and even inside Sommerville despite the private parking signs. Suggest that the City make the City parking lot a free parking facility year round, regardless of the use.
- Encouraged the completion of the sidewalk on Lakeshore Road sooner than later.

Council:

- Parking in front of the Sommerville development could be restricted to 2-hour parking. A letter or petition from the property owners to that effect should be directed to the Kelowna Parking Committee.
- Mr. Brown should submit a letter or petition

Adam Brockman, 670 Cook Road:

- Owns the adjacent property to the east, backing onto Wilson Creek.
- Asked if the cedars adjacent to his fence line would be retained and whether putting in a sidewalk would impact his property.

Staff:

- The applicant would be required to install a sidewalk on Cook Road but the sidewalk would end at the subject property line and would be within the existing right-of-way. The neighbouring property would not be impacted by the sidewalk. The applicant is making every effort to retain and enhance existing landscaping along Wilson Creek.

Jim Ebbels, VP of development for Westcorp, proponents for the proposed development:

- As much of the existing landscaping as possible would be retained around the perimeter of the site and landscaping will be enhanced along the creek. Will retain as much a buffer as possible for the residents along the eastern property boundary.

There were no further comments.

3.6 William Lindsay Halton

- 3.6(a) Bylaw No. 8774 (Zoning Text Amendment No. TA01-014) – THAT City of Kelowna Zoning Bylaw No. 8000 be amended to add the RR1s – Rural Residential 1 with Secondary Suite zone to permit a secondary suite as a secondary use in a single-family dwelling or an accessory building within the RR1 – Rural Residential 1 zone.

See discussion under 3.6(b).

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- 3.6(b) Bylaw No. 8775 (Z01-1046) – William Lindsay Halton – 318 Aspen Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, Sec. 22, Twp. 28, S.D.Y.D. Plan 18222, located on Aspen Road, Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the RR1s – Rural Residential 1 with Secondary Suite zone to allow for development of the site for uses permitted in the RR1s zone.

Staff:

- The subject text amendment adds the RR1s zone to the City of Kelowna Zoning bylaw as this is the first property within that zoning category to request the 's' zone.
- The rezoning would legalize an existing suite.
- The property is on a private water system along with 3 or 4 others, drawing from Okanagan Lake. There is also an existing well on the subject property that has tested out and is of sufficient capacity to meet requirements for providing potable water. City Inspection Services staff suggest that irrigation uses come from the lake system rather than the well system and that will be worked out through the building permit process.
- At initial consideration Council questioned whether a Development Variance Permit (DVP) was required for the garage. A DVP was not required. The garage was built after consideration by the Board of Variance and they supported the garage at its location.
- There is a septic field on the property (no community sewer) and the Public Health Officer is satisfied that the well and septic field meet separation distances.

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

- petition of support bearing 6 signatures.
- late letter from the owner providing a copy of a Certificate of Analysis for the water from the existing well.

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

A lady advised she was at the meeting on behalf of the applicant but had nothing to add at this time.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:04 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk