

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, February 18, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, R.D. Cannan, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor B.A. Clark.

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; 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 "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 February 18, 2003, and by being placed in the Kelowna Daily Courier issues of February 10 & 11, 2003 and in the Kelowna Capital News issue of February 9, 2003, and by sending out or otherwise delivering 276 letters to the owners and occupiers of surrounding properties between January 31 and February 4, 2003.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

#### **3.1 952 & 962 Lawson Avenue**

- 3.1 Bylaw No. 8956 (Z02-1051) – 554007 BC Ltd./Walter & Lidia Baumgart – 952 & 962 Lawson Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 138, Plan 4491, ODYD and Lot B, DL 138, Plan 4491, ODYD, located on Lawson Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.

#### Staff:

- The property backs onto the Martin Education site and is across the street from the Lloyd Jones Nursing Home.
- The rezoning would allow development of the site with 14 units in a multi-housing format. The proposal is for two rows of multi-family units; 6 units in one building and 8 units in the other with a central driveway. Each unit would have its own garage accessed off the internal driveway.
- Development Permit (DP) and Development Variance Permit (DVP) applications would be considered current with adoption of the rezoning bylaw.
- Showed revised plans indicating pedestrian entry ways around the perimeter of the site, driveways off the internal road to garages, and showing building elevations.
- The Advisory Planning Commission reviewed the application based on earlier drawings and supported the rezoning but not the DP because they felt there should be pedestrian access to the units from the internal driveway.
- The proposed land use change is supported by Planning documents.

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

- Letter from Mr. & Mrs. K. Wicken, owners of 971 Lawson Avenue, opposed because the proposal is out of character with the neighbourhood, does not provide enough on-site parking, and will decrease property values.
- Late letter from Ginette & John Sorriento, 932 Lawson Avenue, opposed because of increased traffic in the neighbourhood.
- Late letter from Don Stolz, 970 Lawson Avenue, opposed because of increased traffic in the neighbourhood, lack of parking, and out of character with the neighbourhood.
- Letter from Graham Stuart, 942 Lawson Avenue, with a petition attached bearing 8 signatures of residents of the neighbourhood, opposing the application for reasons of decreased property values and not being in character with 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.

Jim Mayne, representing Mr. & Mrs. Wicken, owners of 971 Lawson Avenue plus Audrey Johnston, 961 Lawson Avenue (immediately next door) who is in the gallery but is too frail to get up to speak:

- The Wickens are concerned about the type of project, particularly with the density.
- Mrs. Johnston is concerned about the type of dwelling as well. The proposed units are small, not much larger than a motel, and not appropriate for any senior situation as Mrs. Johnston thought they might be. Concerned about the traffic and no site lines for people leaving the property and safety of pedestrians on the sidewalk. The units would have an eagle eye view over the neighbouring yards.
- Neither party is opposed to development but maybe the properties should be consolidated for a more substantial development. Concerned that this could set the tone for the neighbourhood and devalue other properties.
- If more than one vehicle per unit, on-street parking could become a problem.
- Would be less concerned with something that was setback further from the street.
- The revised design shown tonight is a big improvement from what was initially proposed when more units were being considered.
- Maybe the neighbourhood needs to see the revised plans

Jane Eamon, 980 Lawson Avenue:

- The existing 2 houses on the property are not in good shape and the tenants have a lot of parties. There are a lot of seniors in the neighbourhood and it is scary for them.
- Tremendous traffic around the David Lloyd Jones home and the daycare at that facility. Concerned about the number of units proposed. The street is not wide and traffic is already a problem (screeching breaks, bar traffic at night). Traffic in and out of Lawson would increase.
- The revised plans are an improvement but a 4 or 6 plex would be better for the neighbourhood.

Liz Kunkle, 1474 Graham Street:

- Opposed. The proposal is way too big for the neighbourhood. Homes that are not owner-occupied generally have high turnover, noise, crime, 5-minute visitors for drug trade and calls to the RMCP.
- The Graham/Lawson intersection is not the safest now - people miss the stop signs on Lawson. She treats that intersection as a 4-way stop. There is often screeching tires. Also traffic, parking, noise – similar issues as already raised are of concern.
- No sidewalks on Graham and only 1 sidewalk on Lawson. Dangerous for pedestrians when cars come off Bernard onto Graham.
- Poor lighting in the neighbourhood is another issue.
- Will this be a strata development – can they be bought and turned into rentals or will they be owner-occupied?

Graham Stewart, 942 Lawson Avenue:

- Main concerns are privacy in the back yard for his tenant, his property value and whether this would restrict the market that he could sell his property to.
- Issues already raised regarding the rezoning are generally the feeling in the neighbourhood.

Walter Baumgart, applicant:

- Cannot satisfy everyone but trying to do the best he can. Balconies have been eliminated on both sides of the units to alleviate concerns about people looking into neighbouring yards.
- Re concerns about increased traffic, there are existing high density apartments within a block of the subject property and this is for medium not high density. Traffic will increase some with 14 units but not a lot. The intent is to densify and bring more people into the downtown core.
- The proposed 2½ storey height is not out of character – there are a lot of 2 storey houses now.
- There are existing large deciduous trees adjacent to Mr. Stewart's (west) property that provide screening and they will remain. Will be planting a row of cedar hedges (3-4 ft. high) on the other side (east) of the subject property from the front to the back. Willing to increase the height of the cedars on the east side to 5 ft. or so for increased privacy for that neighbour and add cedars or some other evergreen between the trees along the west side too if required.
- Disagree with comments that this development will devalue other properties in the neighbourhood. If anything it will increase their values and they will benefit from this development.
- When he wanted 18 units they were going to be small to address the need for low income housing in this area. The proposed units now are over 1,200 sq. ft. not including the garage and parking regulations are met. They will be townhouse units that will be stratified and sold. A covenant will be registered prior to sale so that everyone would know what the percentage of rental units would be allowable. Provides affordable, entry level housing.
- Initially wanted to do a seniors home but unable to consult much with the neighbourhood and a lot of the people were tenants who did not seem to care. Did not try to consult with the neighbourhood again when the plans were changed to what is proposed now, although he would have had he known how much opposition there was in the neighbourhood.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**P145/03/02/18** THAT the portion of this Public Hearing dealing with Bylaw No. 8956 (Z02-1051 - 554007 BC Ltd./Walter & Lidia Baumgart – 952 & 962 Lawson Avenue) be adjourned to the Public Hearing on April 1, 2003 to give the applicant an opportunity to discuss his project with the neighbourhood.

Carried

There were no further comments.

**3.2 2265 James Road**

- 3.2 Bylaw No. 8957 (Z02-1058) – Brian & Donna Choboter – 2265 James Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 35, Twp. 26, ODYD, Plan 24182, located on James Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential with Secondary Suite zone.

Staff:

- The subject property is in the Hall Road area of the city.
- Rezoning to facilitate a secondary suite proposed in a 1-storey accessory building toward the rear of the property with a garage in front of the suite.
- The site is serviced with water from SEKID and the Public Health Inspector has approved the septic field as having enough capacity to handle the suite.
- Consistent with the policies of the OCP and the objectives of the Kelowna Strategic Plan.

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

- Late letter from Ron Kabatoff, 3345 Jackson Court, opposed because the proposal would change the character of 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.

Brian Choboter, applicant:

- The property is on a well. The well is about 200 ft. away from the septic field which is a pit area and the tank just has to be enlarged to meet the needs of the field.

There were no further comments.

**3.3 Quail Run Drive, Capistrano Drive and Country Club Drive**

- 3.3 Bylaw No. 8958 (OCP01-015) – Destinations Resorts Inc., Transcan Developments Ltd., D.R.I. Properties Ltd. (New Town Planning Services Inc.) – Quail Run Drive, Capistrano Drive, Country Club Drive - THAT Map 19.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of:

- Lot 9, Secs. 15 & 22, Twp. 23, ODYD, Plan KAP52038 except Plans KAP52922, KAP55964 and KAP56795, located on Quail Run Drive, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Single/Two Unit Residential designation;
- Plan KAP67478, Park, located on Capistrano Drive, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Major Park/Open Space designation; and
- A portion of Lot 4, Secs. 14 & 15, Twp. 23, ODYD Plan KAP54660, located on Country Club Drive, Kelowna, B.C., from the Commercial designation to Multiple Unit Residential – Medium Density designation;

as shown on Map “A” attached to the report of Planning & Development Services Department dated January 13, 2003.

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Staff:

- Initially the maximum density for Quail Ridge was 990 units but only sought approval for 880 units. Now, Quail is half way to 2/3 build-out and is owned by new development interests.
- Proposing to change future land use designations around to take into consideration development that has occurred and that is proposed.
- Identified the number of units being allocated to the various development interests within the Quail Ridge development.
- The other changes proposed are essentially housekeeping issues.

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

- Letter from Neil Green, president of the strata group at Siena Terrace Villas in Quail Ridge, concerned that phase 1 of the Siena Terrace Villa be finished to a standard consistent with the remainder of the existing building and that any development of phase 2 be of a design and quality standard at least equal to that of the original phase 2 plan.

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

Keith Funk, applicant:

- Has been dealing with the Quail Ridge residents association and there has been good neighbourhood support for the proposed redistribution of housing units.
- The guidelines for development of the Village Centre will be carried forward.
- There was to be a hotel on the property but could not attract a hotelier. There will be provision for semi-commercial operations but they will be more tourist oriented.
- Destination Resorts have contributed funds to the residents association for the trail system.

Anne Wallace, 2120 Capistrano Drive:

- Concerned about the quality of the drinking water.
- There are a lot of families in Quail Ridge. Thought it should be up to the developer to provide park space for the residents.

Staff:

- GEID provides the water and have complied with all testing requirements for safe drinking water.
- GEID has confirmed that they could support the ultimate development to 990 units.
- Quail Ridge was developed as a golf course community similar to Gallaghers. The parks plan involves linear trails, a small passive park and viewing nodes.

Keith Funk, applicant:

- The developer has provided the park site and is paying park DCCs; development of the park is the City's obligation and that will occur when it moves up on the priority list.

Council:

- Ensure that future purchasers are aware of the close proximity of the landfill and the airport, and that the landfill will be there for many years to come and the airport will be there indefinitely.

There were no further comments.

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4. TERMINATION:

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

Certified Correct:

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Mayor

City Clerk

BLH/am