

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 27, 2004.

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

Council members absent: Councillors B.A. Clark and R.D. Hobson.

Staff members in attendance were: Acting-City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

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.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 9, 2004, and by being placed in the Kelowna Daily Courier issues of January 20 and 21, 2004, and in the Kelowna Capital News issue of January 18, 2004, and by sending out or otherwise delivering 212 letters to the owners and occupiers of surrounding properties between January 9 and 13, 2004.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

3. **464 Morrison Avenue**

- 3.1 Bylaw No. 9106 (Z03-0051) – David Poole (Rob Richardson) – 464 Morrison Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, DL 14, ODYD, Plan 3398, located on Morrison Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- There is an existing single family dwelling and a garage on the property. The intent is to demolish the garage and construct an accessory building for use as a secondary suite. Access to the suite would be off a lane at the rear of the property.
- The subject application is similar to a previous application that was considered by Council in January 2003 and not supported. The applicant has waited the minimum 6 month waiting period before reapplying.
- Staff recommend support as the proposal is consistent with Planning documents and policies.
- Conceptual drawings indicate a 1-storey building with a carport attached to one side.

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

- letter from Beverley Krakau, 454 Morrison Avenue
- letter from Anthony Krakau, 454 Morrison Avenue along with a copy of a similar letter of opposition sent last year when the same application was originally scheduled for Public Hearing in December 2003
- letter from Edward (Ted) Windmill, 450 Francis Avenue
- letter from Wally & Bonny Heinrichs, 434 Morrison Avenue
- letter from Werner & Ingebord Kapelle, 494 Morrison Avenue along with petition bearing 49 signatures

all opposed generally on the basis that there will be a lack of parking and green space, a negative impact on property values, and an increase in traffic.

- letter from the applicant forwarding a copy of a letter he sent to the neighbours outlining his plans.

Mayor Gray invited the applicant or anyone in the public gallery who deem themselves affected to come forward, followed by comments of Council.

David Poole, applicant:

- Is an absentee landlord. The property is his investment for retirement.
- The garage is dilapidated and should have been torn down before this but have kept it at the request of the tenant who uses it for storage.

Rob Richardson, agent for the applicant:

- A similar proposal was submitted in the fall of 2002. At that time, they assumed that since the application met all technical requirements and was supported by staff it would be approved. Had written letters to the neighbours but had not actually sat down with the neighbours to see if they had any concerns.
- Having been rejected the applicant looked at what his options might be. While he was doing that, the City held a workshop regarding suites in infill development in March 2003. He and the applicant attended that workshop. At the workshop there were about 42 participants, only 2 of whom owned a suite in an accessory building. In a survey of the participants, the majority of the people felt suites had no or good impact on driveways, property values, neighbourhood safety, or the condition of the yards and character of the streets.
- Providing one parking stall in addition to bylaw requirements.
- Traffic generated by a secondary suite is insignificant.
- Accessory buildings tend to make the back yard more private and the proposed building would have less impact on the neighbours than a large 2 storey building.
- For all of the concerns about size and setbacks, the proposal is significantly under what the bylaw allows. The setbacks have not been altered for this application, but could shift the building east to make it more central on the lot. The size has been reduced as much as possible.
- Since the previous application, the neighbours were invited to a meeting to discuss their concerns and try to alleviate any concerns that they had. Having done that and made adjustments to the plans, letters were sent out explaining the changes that had been made and showing new sketches of what was proposed.
- Accessory buildings with secondary suites add to Kelowna's rental pool which right now is less than 1%, and help create a safe and secure neighbourhood by putting an extra pair of eyes in the back yard.
- Have tried to address all of the neighbourhood concerns that are in the owner's control.

David Poole, applicant:

- About 15 neighbours attended the neighbourhood meeting held on July 1, 2003 to discuss the plans.
- The suite would be about 700 sq ft in size.

Mrs. Kapelle, 494 Morrison Ave:

- Lives adjacent to the subject property and has had to put up with renters on the subject property since before the Poole's purchased the site.
- The garage was always rented out and the tenants in the house used their deck for storage because the garage was in use.
- The existing garage is unsightly for the neighbourhood.
- Would like the property to stay zoned for single family only, preferably with the owners living on the property and no renters.
- Suggest the owner sell and build elsewhere on a property zoned for 2 family homes.
- Resent having to go through this hearing again after a similar application being rejected in 2002.
- All 15 of the neighbours who attended the neighbourhood meeting opposed what they heard at the meeting.
- Renters pay their rent and do nothing to maintain the property.

Ryan Kapelle, resident of the west side of the lake:

- Eldest son of Mr. & Mrs. Kapelle. Is here to tell Council about the stress this property is causing his parents.
- Other properties in the area have been rezoned for 2 family; has noticed that once one carriage home is built more follow. Concerned that will happen on this block of Morrison which the residents would prefer remain zoned RU1.
- Ask that Council vote in support of the residents who signed the petition of opposition instead of in support of the applicant.
- The neighbourhood residents will not change their minds on this issue and bringing the application back every 6 months would only add more stress on the residents.

Janet Wheeler, 458 Morrison Avenue:

- The proposed accessory building is ugly and unsightly. It would be a shame to build it on such a beautiful piece of property.
- The distance between the main house and the accessory building, and the building height are of more concern to Mr. Poole than the neighbours.
- The proposal is for monetary gain only. Concerned that the existing house will be demolished and a new house built either by the current owner or a future owner.
- People wanting to buy in the area in future will appreciate the ability to buy in an RU1 neighbourhood with large lots and mature landscaping and single family homes each with individual size and character.
- Hope this rezoning is denied. The neighbourhood residents like their neighbourhood as it is. The applicants should put their suite in an area already zoned for suites.

The City Clerk clarified that the application was originally scheduled to a Public Hearing in December 2003; however development signage on the property was not properly filled out and the application was withdrawn. The correspondence circulated in Council's agenda package tonight includes submissions that were received for that Public Hearing date as well as the new correspondence received.

Wally Heinrichs, 434 Morrison Avenue:

- Appreciates all the work the applicant has gone to and has nothing against investors; however is not aware of anyone in the neighbourhood in support of the application.
- Traffic has increased dramatically with the development of Peace Center at the corner of Morrison Avenue and Pandosy Street and Rose Cottage across the street, both of which have contributed considerably to densification in this short block.
- There are very few large single family lots left. Hope Council will preserve that choice for those who want to raise their families on large lots without a hodge podge of buildings on the lots.

David Poole, applicant:

- Have tried over the years to be a good neighbour to the adjacent property owner to the east. Mrs. Kapelle has been growing a vegetable garden on the subject property for the 6-7 years that he has owned the lot and can carry on with the garden after the carriage house is in operation.
- The neighbours are concerned that if one carriage house is allowed there will be more but there appears to Inly be one other lot that could have a carriage house.

Rob Richardson, agent for the applicant:

- Have tried to address all of the rational concerns and to ensure that the proposed accessory building would fit into the neighbourhood.
- The applicant is willing to address privacy issues in terms of plantings or cedar hedges to help ease the neighbours' concerns.

Mrs. Kapelle, 494 Morrison Ave:

- Has been gardening on her neighbour's property since 2000 because there was nothing but weeds there. A previous renter gave her permission for the garden and then she kept up the garden for the next renters too and when they left she continued with the garden in order to keep the weeds down.
- Renters do not even mow the lawn much less weed.

## Staff:

- Confirmed for Council that once the 's' zoning is in place the applicant would not be obligated to build what was shown conceptually tonight.

**3.2 520 Cawston Avenue and 1265 Ellis Street**

3.2(a) Bylaw No. 9144 (TA03-0011) - Petro Canada Inc. (R492 Enterprises/Ken Webster) – Cawston Avenue and Ellis Street - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by expanding Area 1 of Diagram "A" in the C7 – Central Business Commercial zone to include Lot 2, D.L. 139, ODYD Plan 3585 and Lots 10, 11 & 12, D.L. 139, ODYD Plan 1303, as shown on Diagram "A" attached to the report of the Planning & Corporate Services Department dated December 17, 2003.

## Staff:

- The Text Amendment changes the boundary for the C7 zone to include the subject properties.
- The applicant is seeking to rezone the property at the northeast corner of Ellis and Cawston to C7 in order to pursue a mixed-use development with under building parking, commercial units at ground level fronting both Cawston and Ellis, and 60 residential units on the second, third and fourth floors. A small roof-top patio is also proposed.
- The staff report indicates that the developer intended to pursue a dispute resolution regarding a corner rounding requirement but that dispute has been resolved.

Public Hearing

January 27, 2004

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

Mayor Gray invited the applicant or anyone in the public gallery who deem themselves affected to come forward, followed by comments of Council.

Ken Webster, agent for the applicant:

- The intent is to stratify and sell the units. It would be possible for someone to buy a residential strata unit and a commercial unit, but they are not necessarily going to be linked.
- The development includes generous balcony space.
- Anticipates that some of the commercial space may be occupied by owners of residential units in the building.

3.2(b) Bylaw No. 9145 (Z03-0056) – Petro Canada Inc. (R492 Enterprises (Ken Webster) – Cawston Avenue and Ellis Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 139, ODYD Plan 3585 located on Cawston Avenue and Lots 10, 11 & 12, D.L. 139, ODYD Plan 1303 located on Ellis Street, Kelowna, B.C. from the I2 - General Industrial and I4 – Central Industrial zones to the C7 - Central Business Commercial zone.

See discussion under 3.2(a).

4. TERMINATION:

The Hearing was declared terminated at 8:02 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk