

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 10, 2004.

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 and S.A. Shepherd.

Council members absent: Councillor E.A. Horning.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, 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 7:02 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan 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.

The Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 23, 2004, and by being placed in the Kelowna Daily Courier issues of February 2 and 3, 2004, and in the Kelowna Capital News issue of February 1, 2004, and by sending out or otherwise delivering 1,362 letters to the owners and occupiers of surrounding properties between January 23 and 26, 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

3.1 **Swainson Road**

- 3.1 Bylaw No. 9161 (Z03-0052) – Bell Mountain Estates Ltd. – Swainson Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717, located on Swainson Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone as shown on Map "A" attached to the report of Planning & Corporate Services department dated January 12, 2004.

Councillor Day declared a conflict of interest as an adjacent property owner and left the Council Chamber at 7:05 p.m.

Staff:

- The application is to rezone the property at the southwest corner of the Bell Mountain Area Structure Plan to facilitate a 17-lot single family subdivision.
- The application was reviewed and supported by the Advisory Planning Commission and is supported by relevant Planning documents.

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

- letter from Richard Day, owner of property included within the Bell Mountain Area Structure Plan asking that the other property owners in the ASP Area consider in their development plans the need to retain natural corridors for continued wildlife access to the sanctuary on his land, to protect run-off water sources to the pond in his sanctuary, and to preserve undeveloped land for the wildlife.

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

Richard Day, 1271 McKenzie Road:

- Embellished on the letter already on the record, advising that his property is not within the notification radius for the subject application and the proposed 17-lot subdivision will not affect his property but the development of Bell Mountain will. Stressed the need for the property owners in the Bell Mountain area to protect wildlife access to the sanctuary on his property and to keep in mind his need for run-off water for the pond when they consider developing their lands.

Councillor Given entered the Council Chamber at 7:10 p.m. and took his place at the Council Table.

Marlin Weninger, applicant:

- Is concerned about the wildlife and retaining wildlife corridors and for that reason is including a golf course, a riparian gully is being preserved for the animals, a dried up pond area in the golf course is being enhanced to attract birds and other wildlife that have lived there in the past.
- A pedestrian corridor will be preserved at both ends of the 17-lot subdivision to connect to the north and east and to the linear park at Gopher Creek.

There were no further comments.

Councillor Day returned to the Council Chamber at 7:19 p.m. and took his place at the Council Table.

3.2 2629 Richter Street

- 3.2 Bylaw No. 9148 (Z03-0062) – Robtree Enterprises Ltd. (Robert Gaspari) – 2629 Richter Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 135, ODYD Plan 11018, located on Richter Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Plex Housing zone.

Staff:

- The site is currently developed with a single family dwelling. There are other duplexes and multi-family developments in the near vicinity.
- The rezoning is requested to facilitate development of a 4-plex with rear lane access to 8 on-site parking stalls.
- Showed proposed building elevations.
- The applicant will be required to pay cash in lieu for future upgrading of Richter Street along the frontage of the property. The applicant will also be required to upgrade the rear lane to a paved standard abutting the property.
- The application is consistent with relevant planning documents.

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

- letter from Bruce Varga, 727 Wardlaw Avenue, concerned about the increase in traffic and asking that the applicant be required to provide at least 8 off-street parking stalls, and to pave the alley and provide sidewalks in the area.

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

Carol Halton, 2820 Pandosy Street:

- Advised that she was speaking on behalf of herself as co-owner of property at 2660 Curts Street, and on behalf of her daughter who owns property at 724 Kinnear Avenue.
- Concerned that the parking stalls will occupy the full width of the back yard; with each unit having 4-bedrooms all 8 on-site stalls could be full exclusive of visitors with no place for overflow parking other than the lane which is the standard 6 metres wide.
- The 4-plex could be redesigned with an elongated building with 9 stalls underneath with front drive in and drive out onto Richter. This would allow a safer, fenced back yard area and allow the maximum 50% coverage of the total lot.
- Noise, exhaust fumes and insufficient on-site parking would result in ultimate depreciation of the surrounding property values.
- Asked that Council request a new design for the proposed building.

Ian Taylor, 781 Wardlaw Avenue:

- Concerned about adding to the already existing parking problems in the neighbourhood.
- Concerned about garbage trucks being able to get in and out with all the parking at the rear.
- Asked that the applicant be required to bring forward a revised design.

Catherine Williams-Jones, representing New Opportunities for Women (NOW) Canada, 2609-2611 Richter St:

- Concerned about parking. The lane is already regularly blocked and with the additional 16 bedrooms from the proposed 4-plex, parking problems will worsen.
- Showed on a map how, in her opinion, with two minor modifications the proposed 4-plex could end up being eight 2-bedroom suites and noted that NOW Canada would be concerned about that type of low income housing the types of situations that could arise from that.

Councillor Blanleil entered the Council Chamber at 7:34 p.m. and took his place at the Council Table.

Bruce Varga, 727 Wardlaw Avenue:

- The dust in the lane is unbearable now and traffic in the lane is already heavy; would prefer the entire lane be paved.
- The proposed 4-plex would increase the value of the subject property and in effect decrease his property value because of the increase in density. Feels like he is being penalized in order to give the applicant a benefit. The applicant should have to provide better parking, sidewalks, and some other improvements for the neighbourhood in exchange for the benefit.
- The neighbourhood will have to live with the 4-plex for a long time, for a short-term benefit to the applicant. Prefer a duplex and upgrades done properly.
- Concerned about the potential of the 4-plex becoming an 8-plex.

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Peter Mosychuk, 569 San Cabrio Court:

- Representing the owners of 2579, 2585 and 2587 Richter Street.
- Improving the quality of homes in the area would attract a better quality of tenant and would probably clean up the traffic problems as well.

Robert Gaspari, applicant:

- Spoke to the manager of the women's shelter and explained that he was proposing to build a 4-plex on the subject property and she had indicated she was in support.
- Is willing to work with the neighbours and add more parking stalls in the rear if that is Council's wish.

Staff:

- The zoning bylaw requires that the onsite parking for the subject property be accessed from the lane.
- Clarified for Council that the property is currently zoned RU6 - Two Dwelling Housing which would permit a duplex or a house with a secondary suite and, in either case the applicant would not be required to pave the lane.

There were no further comments.

3.3 1336 Mountainview Street

- 3.3 Bylaw No. 9149 (Z03-0068) – Patricia Veitch – 1336 Mountainview Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 20, Section 29, Township 26, ODYD Plan 5070, located on Mountainview Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The rezoning is requested in order to construct a suite in an accessory building.
- There is a lane abutting the rear of the property.
- The drawings that have been submitted for the secondary suite show that it would meet bylaw requirements.
- The application is consistent with relevant Planning policies encouraging infill to increase densities in existing neighbourhoods.

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

Opposition:

- letter from Bill & Dee Hogaboam, 1317 Mountainview Street, opposing anyone building a carriage house in their back yard for the purpose of rental income, and asking that their nice quiet neighbourhood be retained as is.
- letter from Cray Harris, 1793 Glenella Place, opposed to allowing accessory buildings with secondary suites in the neighbourhood on the basis that it would threaten the existing charm and character of the neighbourhood and could set a precedent for similar applications.
- letter from Derek Fisher, 1330 Mountainview Street, with an accompanying petition of opposition bearing 63 signatures of residents in the neighbourhood, all opposing increased density in the form of carriage houses in their neighbourhood, expressing concern that a precedent could be set and property values would diminish, and asking that the existing character of the neighbourhood be allowed to remain unchanged.

Concern:

- letter from Janet Taylor, 1792 Glenella Place, generally concerned that the proposed accessory building would be out of sync with surrounding buildings, concerned about allowing increased density in the neighbourhood, the loss of green space and on-site parking on the subject property, parking on the lane could potentially block access for emergency vehicles, and that the secondary suite would be for rental purposes.

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

Cray Harris, 1793 Glenella Place:

- Assumed that having bought in an old established single family neighbourhood it would stay that way.
- Surprised that the OCP supports the rezoning when 63 people in the neighbourhood have indicated they are totally opposed.
- It would not be in anybody's best interests for the existing charm and character of the neighbourhood to be demised.

Derek Fisher, 1330 Mountainview Street:

- Personally spoke to about 80 people and not one knew about this proposal for a carriage house until a lady down the street asked him about it and he phoned City Hall and found out.
- When a whole neighbourhood does not know what is going off, there is obviously something wrong.
- Confirmed that he received a letter of notification in the mail and that there is a development notice sign posted on the property. The sign says that the property is subject to rezoning and that there will be a secondary suite in an accessory building. That is vague because it does not say that the suite would be in a second building on the property. Also the development notice sign indicated January 27th for the date of the Public Hearing until either the 31st of January or the 1st of February when the date was changed to February 10th.
- The applicant circulated a letter around the neighbourhood but not to him, and he lives right next door.
- The subject property is one of the smallest lots in the area. The property will be just about all building.
- Concerned about parking because the lane ends at his property and is his driveway.
- The proposed accessory building will throw a shadow on his back yard and impact his garden.
- Does not like the idea of spoiling the existing neighbourhood by introducing secondary buildings.

Rene Poirier, 1344 Mountainview Street:

- Is opposed to the rezoning. Bought there for the privacy but if this is approved, the windows will be facing forward and he will never be able to open his bedroom window and the privacy will be gone for his swimming pool.
- Concerned that the applicant will probably have to take out trees for the suite.

Ed Lansdowne, 1790 Genella Place:

- The existing neighbourhood is beautiful.
- Concerned that approval of the rezoning could set a precedent.
- Asked that Council not allow this application to go through.

Karen Hawkey, 1324 Mountainview Street:

- Concerned about traffic. Dilworth Crescent is already an accident waiting to happen.
- Parking is going to be a major problem and will need to be addressed.
- Would like the existing neighbourhood to stay the way it is.

Mike Darnbrough, 1798 Glenella Place:

- Lives in the area because of the ambience of the neighbourhood.
- If this application is approved, there are neighbours who signed the petition in opposition that plan to build carriage houses too and move to another area of the city.
- Concerned about traffic safety at the Dilworth/Bernard intersection; adding to the existing traffic will mean more accidents at that intersection. Rather than increasing the traffic flow onto Dilworth we should be trying to reduce it.
- People park on both sides of the street and children are regularly playing road hockey on the street.
- Concerned about ambience and traffic.

Bruce Newton, 1232 Mountainview Street:

- Concerned about someone moving out of the neighbourhood and then trying to change the plan. This is an absentee landlord now and adding the extra building would be the start of restructuring the whole neighbourhood.
- This is not an animosity, it is a change that will eventually create a different neighbourhood.

Bob Purdy, 1360 Glenmore Drive:

- Does not want to hold back progress but likes the neighbourhood the way it is.
- Asked how the neighbourhood can prevent this from coming up again if the subject application is defeated tonight.
- His wife was rear-ended trying to turn left off Bernard onto Dilworth.

Staff:

- The OCP designates the neighbourhood for single and two family residential. There is no designation for only single family residential and there is no way to prohibit someone from making an application unless there was a technical reason why they could not apply.
- Staff make their recommendation based on broad planning principals; Council considers the views of the neighbourhood.

Mike Darnbrough, 1798 Glenella Place:

- Just learned tonight that the applicant does not live in the house on the subject property. That is unacceptable. If this is approved there would be two rental properties instead of one.
- The neighbourhood is totally opposed to this.

Rob Cividino, 1350 Glenmore Drive:

- Supports the application.

Paul Randhawa, 1350 Glenmore Drive:

- Is a tenant in the neighbourhood. All the houses adjacent to the subject property have been rental properties over the years.
- Supports the application.

Patricia Veitch, applicant:

- Was initially told that January 27th was the date set for the Public Hearing; changed the date as soon as she could after being told the date was February 10th.
- The accessory building will be just over 800 sq. ft. so not large enough for a family or to block out the sun for the neighbour's garden.
- Made sure the property was properly maintained during the 3 years she lived there.
- If the rezoning is approved, the accessory building would be built to match the house and the yard is fenced.
- The neighbour with the swimming pool has shrubs around it and her rear yard is fenced so he has privacy at his pool.

- The trees would not be removed.
- The lane access is there to be used.
- There are already uses other than just single family in the area.
- Not everyone wants to or can afford to own a home.
- Has talked about the application with most of the residents in the neighbourhood and sent out a letter explaining the proposal. Is trying to follow all the rules.
- Could prop the house up and put in a basement with a suite under the existing zoning.
- The property directly behind her lot is zoned for a 4-plex.

The Deputy City Clerk confirmed that the notice provisions of the Development Procedures Bylaw were met.

Staff:

- Clarified that site coverage meets bylaw requirements. The habitable space in the main dwelling is 1,750 sq. ft. (171 m²) and the proposed suite would be just over 800 sq. ft.
- The applicant has submitted plans to accompany the rezoning, but is not bound by those plans. She could still chose to add onto or within the main building to achieve the suite. The plans are conceptual only.

There were no further comments.

3.4 1884 Ambrosi Road

3.4 Bylaw No. 9150 (Z03-0057) – Professional Diving Technology Ltd. (Vern Johnston/Diving Dynamics) – 1884 Ambrosi Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone.

Staff:

- The Official Community Plan acknowledges commercial land use as appropriate along the west side of Ambrosi and there has been considerable commercial land activity in that area.
- The applicant proposes to develop the site with a commercial building for use as training facilities and office space for the diving company. Vehicular access would be from a lane at the rear of the property.
- All Zoning Bylaw requirements can be met without variances.
- The applicant is not required to provide an elevator and has chosen not to provide one.

The Deputy 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.

Vern Johnston, applicant:

- Indicated he was available to answer questions of Council, but had nothing to add at this time.

There were no further comments.

3.5 1835 Leckie Road

- 3.5 Bylaw No. 9157 (Z03-0058) – Victor Projects Ltd. (Neil Pelman/Pelman Architecture Inc.) – 1835 Leckie Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, Plan KAP56817, DL 126, ODYD, located on Leckie Road, Kelowna, B.C. from the A1-Agriculture 1 zone to the RM5 – Medium Density Multiple Housing and the RM4 – Transitional Low Density Housing zone.

Staff:

- The intent is to rezone the westerly portion of the property to RM5 for 103 units of congregate housing that would include an independent living component and garden apartment units for semi-care. The easterly portion is being rezoned to RM4 to accommodate 31, 3-storey townhouse units that would be developed in 8 buildings.
- Access would be off Parkview Crescent and an internal driveway.
- The residents to the east were concerned about the proposed 3-storey height when their building is 1.5 and 2 storeys in height. To address their concerns, the applicant revised the plans so that the building will be setback slightly more than 6 m from the eastern property boundary and the 3rd floor has been eliminated from that end unit.
- The application is consistent with the objectives of relevant Planning documents.

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

Concern:

- letter from Shirley & Dennis Tronnes, 1873 Parkview Crescent, indicating concern about the lack of basements in the townhouses, that the development is being referred to as Parkview Place which is the name of their complex, and about the amount of visitor parking proposed, with positive comments about the proposed development and a notation that some of their concerns regarding the proposed height of the townhouses have been addressed by the alternative design the applicant provided.
- letter (late) from the Chair of the Strata Council at The Maples seniors' complex directly across Parkview along with a copy of a letter he presented to the developers at their open house, expressing concern about the age group being targeted for the townhouse component of the development and asking that the townhouses be "no rentals" and/or "adult only".
- letter (late) from Lloyd & Joyce Dalton, 1800 Parkview Crescent, expressing concern that the name Parkview Place is already in use, and that the lack of parking and the increased traffic and on-street parking would be hazardous and negatively impact the value of their real estate.

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

Neil Pelman, applicant:

- The project is being called Parkview Plaza for the moment but will be a different name after they finish marketing.
- What has been referred to as congregate care is actually assisted living; the residents will have their own suites.
- The BC Gas right-of-way provided the opportunity for the garden suites for seniors to rent.
- The drawings need to be changed to show that the unit on the end will be stepped down to a single storey instead of 2 storeys at the east property line.
- A company called Chartwell Real Estate Development Trust will run the assisted living project.
- The townhouses will be high quality.
- Held a public information meeting in January which was attended by about 70 people from the area. The change to step down the unit height to a single storey at the eastern property boundary was made before that public meeting.

Shirley Tronnes, 1873 Parkview Crescent:

- Appreciate the changes made by the developer and hoping those are the plans that actually get built.

Walda Reszitynyk, 1885 Parkview Crescent:

- Would prefer that the 31 townhouses be adult only.
- Concerned about traffic. A traffic light will be needed at Leckie and Parkview at some point.

Elmer Grusie, 1885 Parkview Crescent:

- Concerned that 3-storey townhouses may not appeal to seniors.
- Concerned that the applicant is proposing to develop twice as many units as the adjacent development, on a similar sized property.
- Concerned that parking could be inadequate.

Staff:

- The building with the assisted living units will have an elevator. The townhomes are not being marketed to seniors.

Neil Pelman, applicant:

- Clarified that the townhomes are not tied to the seniors home. The townhouses are a way to get higher density on the site.

There were no further comments.

3.6 Text Amendment – Size of Retail Liquor Stores

- 3.6 Bylaw No. 9158 (TA03-0012) THAT Schedule “A” of City of Kelowna Zoning Bylaw No. 8000 be amended as follows in order to deregulate the size of retail liquor stores in Kelowna:

Section	Existing	Proposed
14.2.6(f) 14.3.6(d) 14.4.6(e) 14.6.6(d) 14.7.6(d) 14.9.6(g) 14.10.6(c)	Retail Liquor Sales Establishments shall not have a gross floor area of greater than 186m ²	Remove this restriction in its entirety from each section listed in this table.

Staff:

- The text amendment removes the size restriction currently in place for retail liquor stores.

The Deputy 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, followed by comments of Council.

There was no response.

3.7 1570 KLO Road

- 3.7(a) Bylaw No. 9159 (OCP99-009) – 454979 BC Ltd. (FWS Construction Ltd. {Brian Harrison}) – 1570 KLO Road – THAT Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of a portion of Lot B, DL 131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Low Density Transitional designation, as shown on Map “A” attached to the report of Planning & Corporate Services department dated January 13, 2004.

Staff:

- The existing Mountainview Village development is a mix of assisted living and congregate care.
- The applicant proposes to construct a new 192 unit congregate housing development as well as a 59 unit addition to the Mountainview facility.
- The applicant has been able to secure the property needed to provide the required lot consolidation and road dedications for the closure of the un-constructed Redlich Road, as well as the required right of way for the future Burtch Road extension.

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

Support:

- letter from Sun-X Enterprises, Vancouver, BC, expressing support as an interested party for the subject application, and for the rezoning and development of agricultural land between KLO and Benvoulin Roads.
- letter from Arthur Lyon, 1540 KLO Road, supporting the development of congregate housing on the property.
- letter (late) from Mr. & Mrs. William Berard, 1740 KLO Road, supporting the application and asking that KLO Road be 4laned to Benvoulin Road this year in order to accommodate the heavy traffic that uses the road.

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

Phil McDonald, architect for the applicant:

- Circulated an artist's rendering and noted the project would be a health campus concept. The first phase would be the addition to the existing assisted living facility. The next phase would be nursing care for people with Alzheimers and similar problems.

Olga Sommary:

- Representing her mother who lives in Mountainview.
- Sidewalks are needed along KLO from Mountainview to Gordon Road.

There were no further comments.

- 3.7(b) Bylaw No. 9160 (Z99-1025) – 454979 BC Ltd. (Brian Harrison/FWS Construction Ltd.) – KLO Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, DL 131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM4 – Transitional Low Density Housing zone as shown on Map "B" attached to the report of Planning & Corporate Services department dated January 13, 2004.

See discussion under 3.7(a) above.

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4. TERMINATION:

The Hearing was declared terminated at 9:20 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am