

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, April 6, 2004.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:04 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 19, 2004, and by being placed in the Kelowna Daily Courier issues of March 29 and 30, 2004, and in the Kelowna Capital News issue of March 28, 2004, and by sending out or otherwise delivering 122 letters to the owners and occupiers of surrounding properties between March 19 and 20, 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 **2124 Pandosy Street**

- 3.1 Bylaw No. 9198 (Heritage Designation) – THAT the building known as the 'Cadder House' situated on land legally described as Lot 3, D.L. 14, ODYD Plan 4551, located at 2124 Pandosy Street, Kelowna, B.C., be designated a Municipal Heritage Site pursuant to Section 967 of the *Local Government Act* in order to protect the heritage value of the land and building.

Staff:

- The property is currently under application for a Heritage Revitalization Agreement (HRA) to restore the exterior of the house and convert the interior into 4 apartment units along with one additional apartment unit in an accessory building on the grounds.
- The applicant has indicated willingness to designate both the house and the land as a heritage site.

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 deemed themselves affected to come forward, followed by comments of Council.

Wayne Ross, applicant:

- Indicated he had nothing to add but was available to answer questions.

There were no further comments.

3.2 1301 Lewis Road

- 3.2 Bylaw No. 9199 (Z03-0039) - Eldon James Veitch (Terry Peters) – Lewis Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec.13, Twp. 26, Plan KAP54818 ODYD, located on Lewis Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RR2s – Rural Residential 2 with Secondary Suite zone.

Staff:

- The applicants are proposing to construct a new house on the property and to use the existing house as a secondary suite.
- The variance that is requested is necessary to allow for the size of the secondary suite which is larger than the size permitted by the zoning bylaw.
- The subject bylaw is on tonight's Regular Meeting agenda for second and third reading and adoption consideration by Council. However, Ministry of Transportation approval of the bylaw has not yet been received, and therefore the bylaw can only be considered for second and third readings. Adoption consideration of the bylaw is to be concurrent with the Development Variance Permit application and therefore the DVP which was also scheduled to tonight's Regular Meeting cannot be considered.

The Deputy City Clerk advised that no correspondence had been received.

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

Terry Peters, applicant:

- Asked for and received another explanation from staff as to why the application cannot be finalized tonight.

There were no further comments.

3.3 215 Arab Road

- 3.3 Bylaw No. 9201 (Z04-0006) – Wylie Svisdahl (Rob and Karen Wasylyshen) – Arab Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 39, Section 3, Township 23, ODYD, Plan 18861 on Arab Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone.

Staff:

- The lot is legally non-conforming with regard to lot size, and is accessed from Appaloosa Road.
- The applicant is proposing a linked addition to the house to accommodate a secondary suite.
- A petition with 5 signatures in support was submitted with the application. At initial consideration Council was concerned that the neighbours understand that although the applicant's intent is to use the suite for a family member, once the zoning is in place that can change.

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

- One petition of support submitted just prior to the meeting by the applicant, bearing 5 names of immediate neighbours.

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

Rob Wasylyshen, applicant:

- Indicated he had nothing to add but was available to answer questions.

There were no further comments.

3.4 1635 Smithson Place

- 3.4 Bylaw No. 9202 (Z04-0007) – Melanie and Mathias Stepphun – Smithson Place
– THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, Section 29, Township 26, ODYD, Plan 31799, located on Smithson Place, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- There is a lane across the back of the property but there is a significant elevation difference between the lot and lane so there is no access from the property to the lane.
- The applicant's have agreed to decommission part of a second driveway and turn it into a games area for a basketball hoop type of use.
- The applicants propose to develop a suite within the lower floor of the building so there would be no exterior changes to the building.

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

- Petition with 10 names in support and 4 names opposed; and another petition with 21 names against. However, 4 of the names and addresses (1620, 1650, 1670 and 1680 Smithson Place) appear on both petitions. The petitions are not dated so there is no way to tell which opinion is the most recent. One request was received for a mother's name to be removed from the petition of support and that was done.
- Letter of opposition from David Rush, representing the owners at 1640 Smithson Place, asking that their mother's name be removed from the petition of support.
- Letter of opposition from Wally & Diana Richardson, 1645 Smithson Place
- Letter of opposition from Frank & Toni Guercio

All opposed generally on the basis that there would be a negative effect on property values and lack of parking.

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

Melanie Steppuhn, applicant:

- Chose this house with the hope of putting in a suite in order to be able to stay home to care for their young children and on the understanding that a suite was supported by City planning policies.
- Talked to almost all of the neighbours on Smithson Place and at that time 11 signed in support, 3 indicated they were not in support and 4 were neutral. Of those who opposed, the prime concern appeared to be that if the property was sold the secondary suite zoning designation would stay with the property and the house could end up not being owner-occupied.
- Intend to live on the property for a long time.
- Was told by a realtor that the secondary suite zoning designation would not degrade property values in the neighbourhood.

- The property is near a major bus route and is close to town. The form and character of the home would not be changed at all other than blocking off the last car length of the second driveway for a play area for the children. There is still ample on-site parking and the location where the cars for the suite would park would not be visible from Smithson Place.
- The neighbours most visually impacted by the suite are supportive. The neighbours most visually impacted by the parking area are also supportive.
- There is a hedge along the front yard of the northerly property boundary; the rear yard is not fenced. The suite is designed so that the north side of the suite would be the bedroom.
- There is a need for this type of housing.

Ken McCready, 1675 Smithson Place:

- There is already considerable traffic for a cul-de-sac with only 17 homes. One of the lots on the cul-de-sac was turned into a care facility a couple of years ago and that increased traffic quite a bit.
- For the size of street it is already busy and concerned about children's safety.
- There are already vehicles parking on the end of the cul-de-sac and approval of this application could add to the problem.
- Concerned that things can change and there is no guarantee of what could happen on the property in the future.

Staff:

- The floor plan indicates a 1 bedroom suite about 204 sq. ft. in size.

Wally Richardson, 1645 Smithson Place:

- The cedar hedge along the front property boundary is in his yard.
- Bought there because of the value and what the street had to offer.
- When vehicles are parked around the cul-de-sac it is not possible to drive around it without stopping to back up. There is no sign posted at the entrance to the street to indicate that the road is a cul-de-sac or that it is not a thru road.
- Mainly concerned about increasing traffic, the safety of the children on the block, and the potential negative impact on property values.

Alma Zader, 1655 Smithson Place:

- Signed a petition of support but when she had time to think about it, changed her mind because of concern that the property could be sold and the entire house become a rental property; and this opens up the neighbourhood to suites and the problems that come with them.
- There is already a group home on the street and it generates more traffic than usual.

Tony Guercio, 1665 Smithson Place:

- Spoke to the applicants about their plans but did not sign a petition.
- Spoke to two appraisers who said to oppose the suite because it could become an absentee landlord situation and could devalue properties.

Candice White, 1670 Smithson Place:

- Signed a petition of support but after thinking about it changed her mind. Traffic on the street is already busy and there are children in the neighbourhood.

Melanie Steppuhn, applicant:

- The reason the people who work and visit the group home park on the street is probably because the driveway to the on-site parking is very steep and so it is easier to park on the cul-de-sac.
- Even after removing the parking spot for the play area, there are still easily 6 off-street parking places on the subject property.
- Willing to offer a parking space on their upper driveway for use by an employee of the group home if that would help the neighbourhood.
- Other than the 4 houses on the cul-de-sac (including the group home) the people living on the other side of Smithson do not have to go around the cul-de-sac to get to their driveways.
- The group home has been a good neighbour. Did not even know it was there when she and her husband bought the subject property and the group home is causing no problem in the neighbourhood and apparently did not affect property values.
- Anyone can allow a property to become run down whether a renter or an owner.
- Intends to keep the house for a long time and to take good care of the property and home.

Ken McCready, 1675 Smithson Place:

- Asked what density is envisaged for the inner city and was advised that the OCP supports single family/two family city-wide.

Staff, in response to questions of Council:

- There are no other properties with the 's' zoning designation in the immediate area.
- Anecdotal information indicates that a secondary suite increases the property value.
- A group home can be licensed for up to 6 people without triggering a rezoning.

There were no further comments.

3.5 5010 Frost Road

- 3.5 Bylaw No. 9203 (Z03-0075) – Frost Park Holdings Ltd. (Protech Consultants (1989) Ltd.) – Frost Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 24, Twp. 28, SDYD, Plan 30827, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.

Staff:

- The rezoning is requested to facilitate a 25-lot single family subdivision.
- Seven of the lots are double fronting with Frost Road to the north and an internal road to the south. A covenant will be registered to advise potential purchasers of the double fronting lots that Frost Road will be extended along their properties but that they will not be permitted vehicular access to Frost Road.
- Fencing will be required along the north side of Frost Road for the agricultural property to the north. The applicant will also have to provide fencing and landscaping along the rear of the lots on the south side of Frost Road.
- A covenant will be registered to inform prospective purchasers of the agricultural activities that will occur on adjacent property.
- There is a major power line to the south of the property which will provide a walkway connection between neighbourhoods.
- The Advisory Planning Commission and the Agricultural Advisory Committee recommend support of the application.
- The application is consistent with relevant planning documents.

The Deputy City Clerk advised that no correspondence 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.

Deb Hignell, 5001 Chute Lake Road:

- Her property is the abutting property on the west side of the subject property.
- Recently learned from the former owner of the subject property that her fence encroaches on the subject property. She raises horses on her acreage and is concerned about having to move the fence.
- Concerned about maintaining privacy on her property. Concerned that the vegetation that runs the fence line could be removed to enhance views.
- Concerned that if she continues to raise livestock, there could be issues (flies, manure odour) for people living in this subdivision.
- With the removal of the area from the Agricultural Land Reserve and development of the adjacent property, feels like she is being pushed out.
- Asked for and received an explanation from staff of how traffic would be handled.

Todd Penkala, 5019 Chute Lake Road:

- Shares the concerns expressed by the previous speaker.
- Primary concern is traffic.

Grant Maddock, applicant:

- The usual buffer width between agricultural and residential land is 9 m plus landscaping. Proposing to provide a minimum 20 m width plus landscape buffering.
- The proposed lots would not infringe on the privacy of Mrs. Hignell's house.
- Would be willing to move the south portion of the fence that is encroaching onto the subject property in order to eliminate the encroachment situation.
- Extending Frost Road west at this point in time would result in a road going nowhere. Will dedicate the road and pay the money to the City to build the road at a future date when the properties to the west are developed.

4. TERMINATION:

The Hearing was declared terminated at 8:44 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am