

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, June 29, 2004.

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

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

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:01 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 11, 2004, and by being placed in the Kelowna Daily Courier issues of June 21 & 22, 2004, and in the Kelowna Capital News issue of June 20, 2004 and by sending out or otherwise delivering 523 letters to the owners and occupiers of surrounding properties between June 11-14, 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(a) 2350 Byrns Road

- 3.1(a) Bylaw No. 9247 (OCP04-0007) – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Byrns Road – THAT Map 19.1 of *Kelowna 2020 - Official Community Plan Bylaw No. 7600* be amended by changing the Future Land Use designation of Lot 2, DL 136, ODYD, Plan KAP72184, located on Byrns Road, Kelowna, B.C., from the Multiple Unit Residential – low density designation to the Single/Two Unit designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated May 18, 2004.

See discussion under 3.1(b).

3.1(b) 2350 Byrns Road

- 3.1(b) Bylaw No. 9248 (Z04-0021) – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Byrns Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, DL 136, ODYD, Plan KAP72184, located on Byrns Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone.

Councillor Day declared a conflict of interest because a direct family member owns land across Byrns Road from the subject property and left the Council Chamber at 7:03 p.m.

Staff:

- The applicant is proposing a 50 unit bareland strata subdivision in the next stage of the Balmoral project which created a dedicated but unconstructed realignment of Guisachan Road to link into Byrns Road.
- Initially the subject property was also designated for low density multi-family housing with the same single detached units as in the Balmoral development.
- Under RM3 low density multi family zoning, a density of maximum 0.51 floor area ratio could be achieved. The current proposal would result in 0.4 floor area ratio.
- The application was reviewed and supported by the Advisory Planning Commission.
- The Agricultural Advisory Committee did not provide a recommendation of support or opposition but they did comment on the need to register a restrictive covenant on title of all residential properties adjacent to agricultural lands.
- Transit does not go by the subject property. The nearest bus loop uses Springfield/Gordon.
- The intersection at the realigned Burtch/Guisachan/Byrns Road would be a 3-way stop. In future, staff are considering a traffic circle at this location.

The Acting 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.

Grant Maddock, applicant:

- The Burtch/Guisachan/Byrns Road intersection is scheduled for this September.
- City transportation staff are considering installing a Stop sign $\frac{3}{4}$ way down Wilkinson Street to slow the traffic down and discourage short-cutting through that neighbourhood.
- Any pedestrian linkage through to Sandstone, other than around the perimeter, would be up to the strata corporation.
- A sound attenuation wall is proposed for the properties adjacent to the agricultural land which with the width of Burtch Road meets the requirements of the Land Reserve Commission. However, will register the covenants on title if that is Council's wish.

Staff:

- Not aware of any plans to increase traffic calming measures on Byrns Road.

There were no further comments.

Councillor Day returned to the Council Chamber at 7:20 p.m.

3.2 3195 Hall Road

- 3.2 Bylaw No. 9245 (Z04-0031) – Candace and Andrew Wheeler – Hall Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 16, Township 26, ODYD Plan 15811, located on Hall Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone.

Staff:

- The rezoning is requested to facilitate the construction of a 2-car garage with secondary suite above, connected to the existing house by a breezeway.
- The septic field is located well away from the well; the Public Health Inspector has indicated no concerns.

The Acting 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.

Andrew Wheeler, applicant:

- Correction regarding the location of the well.
- Will be providing affordable housing in the neighbourhood.

There were no further comments.

3.3 993 and 1003 Harvey Avenue

- 3.3 Bylaw No. 9252 (Z04-0016) – Gary Grant & Joyce Decock (Emeral Developments Inc.) – 993 and 1003 Harvey Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1 & 2, DL 138, ODYD, Plan 2769, located at 993 and 1003 Harvey Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.

Staff:

- The rezoning would accommodate a 4-storey apartment complex over an underground parking garage accessed off the lane. Above the parking level, the building envelope steps back considerably. Some visitor parking would be provided at-grade. Good pedestrian connection is provided between the lane and the front of the street.
- The project does not require any variances and is consistent with the OCP.

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

- letter from the Evangel Family Manor, 969 Harvey Avenue, generally opposed because of concerns regarding safety and adding to traffic congestion in the rear lane.

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

There were no further comments.

3.4 518 and 548 McKay Avenue

- 3.4 Bylaw No. 9246 (Z04-0026) – Mailey Developments Ltd. (John Mailey) – McKay Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 10 & 11, Plan 3769, Sec. 13, Twp. 25, ODYD located on McKay Avenue, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone.

Staff:

- A previous rezoning application for one of the subject properties was subsequently rescinded in order to proceed with a proposal for both lots.
- The property is across from the Southgate Shopping Centre in the South Pandosy Town Centre.
- Rezoning the lots is consistent with the relevant Planning documents.
- The applicant is proposing to develop the site with a 4-storey mixed use commercial/residential building, with commercial on the main floor and 3 floors of residential units above.
- Will require a 6-stall variance to parking and one setback variance. From a height and density perspective the proposal meets bylaw requirements.
- The Advisory Planning Commission supported the rezoning but not the Development Permit application because of the lack of parking.

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

- letter from Brenda Campbell, 561 McKay Avenue
- letter from Elizabeth Jarvos, owner of the adjacent property at 560 McKay Avenue both opposed because of the lack of parking in the area.

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

Gary Embleton, representing the applicant:

- The lot size and the road widening requirements on McKay Avenue, the rear lane and Pandosy Street make the property difficult to develop.
- Needs to maximize potential on the site to make the project viable.

Liz Jarvos, 1842 Abbott Street:

- Her rental property at 560 McKay Avenue is designated for future multi-family development and is immediately adjacent to the subject property.
- Would have to purchase the lot next door in order to develop her property. The existing commercial building to the south still has vacant tenant space and already people are parking in the lane and along the street. Osprey Park is heavily used adding to the parking congestion on the street. There is already such a lack of parking that if Council allows another 6 stall shortfall, there would be no parking anywhere for her if she chose to develop.
- Have to recognize the need for parking and maybe reduce the size of the proposed development to 2 storey.

Staff:

- Parking requirements in the town centre areas were deliberately reduced as part of Transportation Demand Management initiative.
- The lots to the east of the subject property are designated for a form of multi-family housing and as such parking requirements would have to be met on-site.
- The parking variance reflects 1 stall per residential unit plus the commercial parking requirement.

There were no further comments.

3.5 Structural Projections in Required Yards

- 3.5 Bylaw No.9250 (TA04-0002) – THAT Section 6 – General Development Regulations of City of Kelowna Zoning Bylaw 8000 be amended by replacing paragraph 6.4.1 of Subsection 6.4 Projections Into Yards with the following:

"6.4.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, **bay windows**, a cantilevered section of a **building** or ornamental features may project into a required **yard**, provided such projections do not exceed 0.6 m. The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line, measured from the front to the rear of the **building**, not including **decks**, trellises, or other open structures. For buildings or structures that are more than one storey, the area of the structural projection shall be calculated per storey. No individual structural projection shall exceed 3.0 metres in length. No two structural projections shall be closer than 1.5 metres apart."

Staff:

- The subject text amendment deals with allowable structural projections. With lot sizes getting somewhat smaller and house plans staying large and maximizing the building envelope, a lot of the houses include a cantilevered section and a bay window along the same wall. Currently those would exceed what is permitted without a variance being granted.
- Now proposing that the entire wall section from front to back, whether there are jogs or not, can be used for the measurement and that the structural projections can comprise up to 30% of the wall area. This would allow architectural features to be built in.

The Acting 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 were no further comments.

3.6 Maximum Height and Front Yard Requirements – Urban Residential Zones

- 3.6 Bylaw No.9251 (TA04-0003) – THAT Section 13 of City of Kelowna Zoning Bylaw 8000 be amended to clarify wording for the maximum height requirements and front yard setback requirements in the RU1/RU1s/RU1h/RU2/RU2s/RU2h/RU2hs zones.

Staff:

- The proposed amendments would clarify that where a lot takes an access from only a lane, the height measurement does not exclude a walk-out basement facing a street.

The Acting 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.

Public Hearing

June 29, 2004

4. TERMINATION:

The Hearing was declared terminated at 8:01 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am