

Public HearingNovember 30, 2004

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, November 30, 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/Director of Planning & Corporate Services, R.L. Mattiussi; Acting Deputy City Clerk, D.M. Fediuk; 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 12, 2004, and by being placed in the Kelowna Daily Courier issues of November 23 and 24, 2004, and in the Kelowna Capital News issue of November 21, 2004, and by sending out or otherwise delivering 359 letters to the owners and occupiers of surrounding properties between November 12 and 15, 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 **730 Stremel Road**

- 3.1 Bylaw No. 9327 (Z04-0061) – Marlin and Pauline Weninger (Carey Coukell) – Stremel Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Section 34, Township 26, ODYD Plan 3236 except Plan B5622 located on Stremel Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the I2 – General Industrial zone.

Staff:

- The subject property has limited panhandle frontage on Stremel Road. Francis Brook is just off the property to the north but the 15 m riparian management area extends into the subject property.
- The rezoning would allow use of the site for the construction of log homes. The log homes would be crafted and assembled on site and then dismantled and moved to another location.
- The requested zoning is consistent with the future land use designation in the OCP.
- The area is a mix of rural residential and rural agricultural zoning with some pockets of industrial and commercial.
- The area is within a sewer specified area and letters are going out very shortly if not already. Once received the property owners will have one year in which to connect.

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- Mayfair Road currently ends in a cul-de-sac and extension of the road is to be development driven. City Transportation staff deem this link to be important to future development in the area and rights-of-way were taken to protect a number of potential alignments for the road extension. A property to the south is also under application for rezoning and had it come to Council before this application, the road alignment would have gone on that property. However, that application has not come forward to Council and so the alignment currently being pursued would swing to the east as it moves north, impacts the subject property and then continues north to Fitzpatrick. When the application comes forward for the property to the south, it will further solidify the road alignment being pursued with this application. A Concept Development Plan that was never presented to Council because it got tied up with the Highway 97 Sector Plan had indicated a road alignment that is fairly consistent with what is being considered now.
- The Advisory Planning Commission supported both the rezoning and the Development Variance Permit application which deals with the sub-standard lot frontage for the Stremel Road frontage. While the required lot width cannot be met now, once the Mayfair Road extension is completed the subject property would meet frontage requirements on that road.

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

- letter from Linda Kerkkonen, 766 Stremel Road, objecting to the proposed extension of Mayfair Road along the east side of her property.
- letter from Rose Marie (Miletto) Allan, co-owner of 728 Stremel Road, and Gerald & Mary Allan on behalf of Oliver Allan, owner of 712 Stremel Road
- letter from Frank Miletto, 728 Stremel Road
- letter from J. Thorp, no address given

Opposed generally on the basis that the property is too small for the proposed use; increased noise, dust pollution, oil and gas pollution, and heavy traffic; the accumulation of wood waste would create a fire hazard; logs would be stockpiled on the property; and concern about the ability for large vehicles to access the property.

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

Jennie Caukell, 5171 Lakeshore Road, applicant:

- They have other log home manufacturing sites in Okanagan Falls (3 acres) and 100 Mile House (5 acres) and a site for peeling the logs in Oyama (2 acres).
- Their realtor told them about the subject property and that the City's OCP designates the surrounding properties for I2 – General Industrial. That was their motivation for purchasing the property. The property is over 2 acres in size which is more than adequate for what is proposed. They have also purchased two properties across Stremel Road but they would not be part of this project.
- There was an article in the local newspapers saying their plan is to construct 50 homes a year. That is what is being manufactured between their other log home sites. On the subject property, they anticipate that approximately 10 to 15 homes would be built a year which means about 4 builders working on this site and a helper or two per project. The homes would be in various stages of construction. There may be two under construction at a time but the site is not big enough to do much more than that at a time.
- The company is new and they have only completed 3-4 projects on the Okanagan Falls site.
- In 100 Mile House the hours of operation are 7:30 a.m. to 4:30 p.m., 5 days a week.
- The loading of the houses would be 2 days out of a 12 week period and it is a crane that loads the trucks.

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- Chain sawing would be intermittent. There is also chiselling and scribing involved. The noise level is low compared to other industrial type operations.
- She and her husband have chosen to live in Kelowna and want to be involved in the building process. The applicant is one of their best builders and he lives in Kelowna.
- The requirements for fencing would be followed as recommended for protection of the creek.
- The trucks would be backing into the property. They use typically the same trucking companies and they have confirmed that the road to the subject property would not present a challenge for the drivers.
- All the logs would be peeled at their Oyama site and so the subject property would be clean and free of bark. The other wood waste would be hauled away or they would allow people to take it as free firewood. Every effort is made to minimize the amount of waste. From past building experience, sawdust is not a problem but would do what can be done to satisfy the concerns of the residents.
- Most projects require two truck loads of logs so there could be as little as four trucks going to the site in a month. Basically the trucks come when the logs are delivered and then when the completed home goes out.
- The maximum length of the logs would be 45 ft. and only a few logs would be that length.
- Has already agreed to provide a fire hydrant and to provide vegetative buffering.

Staff, Responding to Questions of Council:

- Indicated the location of the other houses in the area noting the house to the west and to the northeast would be the most impacted.
- There is a mobile home park to the south and multi-family across Findlay Road.
- The Mayfair Road link is expected to be built in the next year or year and a half.

Gary Norkum, land owner on Findlay and Fitzpatrick Roads:

- He and his partner own the property just recently zoned to multi-family on the east side of Findlay Road and four multi-family properties on Fitzpatrick which were just recently developed.
- At the beginning of this year, the City changed the OCP future land use designation for this area from Multi-Family Residential to Industrial without the land owners in the area being informed. Cannot understand why the City would even consider Industrial uses for this area of the city.
- The subject property is less than 100 m from their property. The noise from chainsaws would be continuous and once the rezoning is approved there would be no limitation on the number of homes that could be manufactured on the site.
- The prevailing wind is from the west. There needs to be a buffer zone between industrial and residential and that has been taken away. Commercial or Light Industrial would be preferred.
- The potential sawdust, shavings and wood chips would be a nuisance to Francis Brook which is fish bearing.
- Supports manufacturing companies coming to Kelowna, but those with noisy outdoor operations need to be away from residential properties.

Frank Mileno, 728 Stremel Road:

- There is an existing telephone pole to the west and a water supply turn-off valve to the east of the entrance to the subject property both of which would affect the ability to back the tractor trailers into this site.
- The news article said there would be 50 homes constructed on this property. Questioned whether 15 homes would be the limit.
- The size of the property seems small taking into consideration the need for a buffer zone, the narrow entrance, the existing home on the property, etc. Noise and dust would be a concern as well as increased heavy truck traffic and equipment.

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- The extension of Mayfair Road would alleviate some of the problems on Stremel Road but turning from Stremel onto the Highway has always been a major problem.
- Was approached to sell by the former owners of the subject property and had a contract agreed to both parties; however, the time has elapsed so assume the deal has fallen through.
- Concerned that whether the trucks drive in or back in, there would not be enough room to make a 90 degree turn.
- Questioned whether a logging operation is appropriate for the site given the impact on the creek and surrounding area.
- Supports a future Industrial land use for the area but not I2 – General Industrial.

Linda Kerkkonen, 766 Stremel Road:

- Circulated a copy of her notes to members of Council.
- From her experience as a logger, heavy equipment operator and bush boss, there would not be sufficient turning radius for the logging trucks and 2½ acres is not enough to provide a safe working environment.
- Concerned about dust, noise from the truck motors and saws, and the environmental impact from gas and oil.
- If the alignment of the Mayfair Road extension is on the east side of her 2½ acre property, she would be left with approximately 2/3 of an acre, with no compensation being offered.
- Has told the owners of Advance Precast, across the road from her, that she would work with them if the Mayfair extension is on the west side of her property but that she would fight their development plans if it means the alignment would be on the east side of her property.
- She and her husband were planning to rebuild their house which recently burned in a fire but are not excited about being surrounded by Industrial. Preferred the Multi-Family Residential designation. They love living in the area; it is quiet, like being in the country while living in the city. However, now feel like they are being forced out and are in a dilemma not knowing whether to rebuild or not.
- Before the house burned down they had it listed for sale as a multi-family property. Found out in September when someone came to them with an offer to buy that the City was uncertain about the alignment of the road extension.
- The area residents got together in 1995 and came up with a road alignment for the Mayfair Road extension that would have come up the bank from the south and parallel to her property on the west side, with the loss of property for the allowance shared equally between all abutting properties.
- It was their belief that the area would be multi-family with light industrial around. Realize the city is growing and there will be changes but they have to be compatible.

Staff:

- Explained that the Mayfair Road extension is development driven and that has created a challenge for City staff in determining an ultimate alignment where the road right-of-way would be shared and would best service the properties in the area.
- Staff have had to come up with an alignment but the road would not be constructed until the abutting residential properties were under redevelopment.

Gerry Allan, power of attorney for Oliver Allen, 712 Stremel Road:

- A newspaper article on November 15, 2004 states that the Okanagan Falls and the 100 Mile House log house manufacturing operations were going to be shut down. Wondered where the 50 homes would be produced if the article is accurate.
- Logs are easily damaged after peeling; questioned the logic of peeling them on one site and then having to move them to another site.
- Has been in the logging and milling industry and chainsaws make loud noise and are more irritating for the people around than for the operators of the saw. The saws will cause oil and gas pollution in the air and soil.

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- Traffic is an issue and the driveway would be a challenge for the truck drivers even in good weather.
- Accumulation of wood waste would be a major problem and would have to be removed from the site which would require more vehicles to haul it out. Logs would also have to be stored on the site during construction of the homes.
- The future land use designation for the area should be a zoning that would make the majority of the long time residents in the area happy.

Dianne Bishow, daughter of John Kerkonen, 767 Stremel Road:

- The area residents had all agreed that multi-family was best for the neighbourhood but then some of those residents sold and now realize the area will be Industrial. But, I2 – General Industrial zoning is not right for the area.
- The residents of the mobile home park would be directly impacted by the logging truck traffic and stopping traffic so that these trucks can back onto the subject property would raise safety concerns for the seniors and children in the area.
- This application would not be beneficial to the neighbourhood.
- The alignment of the proposed Mayfair road extension is of no benefit to her parents and is of huge concern as it would destroy the use and enjoyment of their property and the reduced size would hamper their ability to rebuild.
- Would prefer that the Mayfair Road alignment be on the west side of her parent's property where it would only affect one developer.

Marian Gruber, 729 Fitzpatrick Road:

- She emailed a submission on Sunday night but it was not acknowledged by the Clerk. Submitted a copy to the Acting Deputy City Clerk.
- Agrees with the comments of previous speakers regarding noise, truck traffic, and pedestrian safety.
- Has enjoyed living a rural life in the city and accepts that things change but does not approve of General Industrial for the neighbourhood. Light Industrial would be preferred.
- Concerned the business could be expanded to up to 50 homes a year on the subject property.
- Was not aware that the OCP future land use had changed from Multi-Family to Industrial.

Ernie Janzen, one of the owners of the property at 747 Fitzpatrick:

- Purchased the property in 1992 with the intention of one day developing it as multi-family. Would fight putting the Mayfair Road alignment on the west side of the Kerkkonen property because then 1/3 of his property would be lost.
- Is frustrated at the many changes in the planning for the area, both for determining future land use and the road configurations.
- Does not see the need for the Mayfair Road extension at all and does not think it is fair for either property owner (him or the Kerkkonens) to have to give up so much land in order to provide a road for the general area.
- The proposed use is not appropriate adjacent to residential.

Dave Wasman, 1244 Findlay Road:

- Mainly concerned about traffic on Stremel Road with the logging trucks going in and out. Backing tractor trailers into the site would be dangerous with seniors and children walking on the road.
- Over 25 years ago the City said Findlay Road was going through and the required road right-of-way was taken but the road is still not through. Concerned the Mayfair Road extension will be the same and not happen either.

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- His family owns Okanagan Mobile Home Court. They have 147 sites and approximately 250 residents. As owners/managers they disagree with this application and ask that the rezoning be denied.
- They are opposed because the zoning would violate the residential use of the neighbourhood; because the use would create significant noise, danger and disruption to the neighbourhood; and because of the negative environmental impact for the creek and animals in the area.
- The mobile home court is for adults, mostly retirees; anticipate the majority would oppose this application. Starting in 2005 the residents will have to start paying user fees for the sewer recently extended to the area and that will be challenging for many of them. If on top of that this application proceeds, there will be 250 very upset residents.
- Would like to keep the area as residential.

Kevin Smith, 705 Stremel Road:

- He owned a property for 9 years in 100 Mile House that was 400 ft. away from a log home building operation and did not find the chainsaws to be a problem.
- Has no objection to the proposed use but does not see either of the roads cutting through the property as being necessary other than widening the existing road that goes in.

Wayne Rains, Advance Precast:

- Advance Precast owns all the properties on the south side of Stremel Road and submitted an application in May to redevelop. Frustrated that the application has not been brought forward to Council yet.
- With the existing panhandle access and the high voltage power pole on the west corner, it would not be possible to back a tractor trailer into the driveway of the subject property without trespassing on adjacent property or creating some kind of havoc.
- Supports the rezoning of the subject property and the proposed use. Multi-Family Residential does not make sense today given the evolution of the area.
- The alignment currently proposed for the Mayfair extension makes the most sense in the big picture.

Stu Markle, 1281 Findlay Road:

- There are no sidewalks on Stremel Road. If this application is approved, could no longer allow his children to walk to Scandia, etc. because of concern for their safety.
- The panhandle driveway cannot accommodate a logging truck.
- Concerned about the visual impact of the proposed use from his property.
- Questioned the need for either the Findlay or Mayfair Road extensions.
- Opposed to I2 – General Industrial zoning. Would prefer Residential or Commercial.
- Concerned about the impact on the environment from the equipment used by a log home building operation.

Armand Doyle, a consultant working with a property owner in the area:

- Has been in the trucking business for 17 years and in his opinion, most truckers could not be paid to back into the subject property.
- According to ICBC, Stremel and Highway 97 is one of the most dangerous intersections in the City of Kelowna. It would be difficult for long truck to get around that corner without trespassing or dropping a wheel into the ditch. It would be difficult enough in the summer time; in the winter, every time a truck gets stuck the road would have to be shut down for a couple of hours.
- The area needs to be developed but Council granting the required variance to allow the proposed use to take place would set a bad precedent for the 4 or 5 other properties about to be developed. Should not allow a variance that negatively impacts so many people in the area.

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- When Malibu Racetrack came into the neighbourhood the residents were told there would be no noise; he had to cover in his deck and can still hear the noise. The proposed use would add to the noise.
- Questioned who would want to buy the R3 properties with a log house manufacturing operation next door.
- The site should be developed but not for the proposed use.

A previous speaker, on behalf of Charles Mathers, 1308 Findlay Road:

- Submitted a letter from Mr. Mathers who just wanted to be on record that he is opposed to what is proposed.

Jennie Caukell, 5171 Lakeshore Road, applicant:

- Clarified that they moved from 100 Mile House, Oyama and Okanagan Falls to Kelowna.
- Also purchased 727 and 737 Stremel Road, across from the subject property, for a purpose other than what is proposed for the subject property.
- City Engineering staff confirmed there that would be adequate room for the trucks to access and egress the site.

There were no further comments.

3.2 715 Sutherland Avenue

- 3.2 Bylaw No. 9328 - Heritage Designation Application No. HD04-0002 – Daniel Spelliscy – THAT the building known as the “Charles Harvey House” situated on lands legally described as Lot 4, D.L. 138, Plan 7196, located at 715 Sutherland Avenue, 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 building.

Staff:

- This is a voluntary heritage designation.
- The building exterior has already been partially restored; the applicant intends to restore the inside as well.
- The house would be restored back to as much of the original layout and condition as possible.
- The applicant is also proposing to construct an addition onto the rear of the building for a 2-car garage with 2 bedrooms on the upper floor.
- A concurrent Development Variance Permit application is on tonight’s Regular Meeting agenda for consideration by Council.

The Acting 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.

Daniel Spelliscy, applicant:

- Gave an overview of the history since the original owner moved to Kelowna in 1907.
- Today the building comprises four separate suites, one on each floor. Proposing to remove the three other kitchens and restore the building as a single family dwelling.
- Will have a wrought iron fence around the site and the plaque from the Heritage Foundation will be on the fence to give some of the history for the public.

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- A previous garage that was at the back of the property behind the house was setback about 6 ft. The proposed new 2-storey garage would be attached to the house and be setback about 10 ft.
- Discussed the proposal with the neighbourhood association and went to all the neighbours within about 100 m of the subject property and all but one that was never at home signed a petition of support.
- Understands that a Heritage Alteration Permit would be required for any future addition that could affect the heritage of the house.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 10:03 p.m.

Certified Correct:

Mayor

BLH/am

Acting Deputy City Clerk