

Public HearingMarch 8, 2005

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, March 8, 2005.

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; Acting 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 5:05 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 February 18, 2005, and by being placed in the Kelowna Daily Courier issues of February 28 and March 1, 2005 and in the Kelowna Capital News issue of February 27, 2005 and by sending out or otherwise delivering 124 letters to the owners and occupiers of surrounding properties between February 18-20, 2005.

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) **908 El Paso Road**

- 3.1(a) Bylaw No. 9367 (OCP04-0022) – Ravinderdeep Poonian (Protech Consultants Ltd.) – 908 El Paso 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 15, Sec. 25, Twp. 26, ODYD Plan KAP73538 except Plan KAP75858, located on El Paso Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation.

Staff:

- The subject property was recently excluded from the ALR for topographic reasons and the applicant now wishes to develop the property.
- The requested OCP amendment and rezoning would facilitate subdivision of the property.
- The proposed plan of subdivision indicates approximately 23 RU2 zoned lots, 31 RU4 cluster housing units and one RU1 zoned lot.

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

Councillors Cannan and Horning joined the meeting at 5:09 p.m.

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

John Vielvoye, president, Rutland Residents Association:

- The Rutland Residents Association has no objections to this application.

Mike Dapavo, 1077 Webster Road:

- Is not opposed to the subject application; however, concerned that his ability to get access over the 20 ft. wide right-of-way between his property and the subject property could be affected by this application.

Grant Maddock, applicant:

- The 20 ft. right-of-way will remain open. The City is requiring the developer to construct a walkway on the right-of-way for the upper subdivision to access the lower through the park area down below.
- Will work with the neighbour to ensure he has access to his property.

There were no further comments.

### **3.1(b) 908 El Paso Road**

3.1(b) Bylaw No. 9368 (Z04-0079) – Ravinderdeep Poonian (Protech Consultants Ltd.) – El Paso Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 15, Sec. 25, Twp. 26, ODYD, Plan KAP73538 except Plan KAP75858, located on El Paso Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing, RU2 - Medium Lot Housing, and RU4 - Low Density Cluster Housing zones, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated January 28, 2005.

See discussion under 3.1(a) above.

### **3.2 1160 Band Road**

3.2 Bylaw No. 9459 (Z04-0072) – Richard & Linda Monti (D.E. Pilling & Associates Ltd.) – Band Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Sec. 13, Twp. 26, ODYD Plan 13388 except Plan H8383, located on Band Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.

Councillor Day declared a conflict of interest because he has substantial land holdings in the area and left the Council Chamber at 5:17 p.m.

Staff:

- The rezoning is requested to facilitate a 20 lot single family residential subdivision. Showed the proposed plan of subdivision.
- The application is consistent with City Planning policies.
- City staff have been working with the applicant and the Ministry of Transportation (MOT) to provide a temporary access off Band Road to accommodate the proposed development. The ultimate access would be off Ray Road when the properties to the east develop. The Band Road access would then be closed.
- The Advisory Planning Commission recommends support for the application; the Agricultural Advisory Committee had no concerns.
- Outlined the options being considered with MOT for temporary access noting neither option is acceptable to the owners of 1170 Band Road (Whitehouse) who are concerned about the potential impact on the access to their property.

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

- letter from Anita Whitehouse, 1170 Band Road, opposed because of concern that their road access would be removed and the proposed temporary access would be dangerous.

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

Rob Webster, D.E. Pilling & Associates, applicant:

- Until such time as the Ray Road access can be achieved, access to the Whitehouse property at 1170 Band Road would be preserved by road right-of-way.
- The Ministry of Transportation has provided two options for consideration. Sight distance would have to be proven out for the Band Road option.

Margo McMahan, 1302 Toovey Road:

- Supports the application for rezoning.
- Concerned about the lack of park and green space for the Toovey Heights community and Lone Pine Estates. The owner of 1170 Band Road has barricaded public access to the future park site and to the Lone Pine Estates lands beyond.
- Concerned about road access and improvements. Would prefer providing access through Ray Road rather than via Band Road; the access issues should be resolved sooner than later.
- Would prefer development of the subject property and the property at 1170 Band Road in tandem so that the road issues and park development could be achieved.

## Staff:

- Confirmed that the proposed future park site is on the adjacent property, and that the City has not been able to reach an agreement on park acquisition.
- The developer approached the Whitehouses to get an access off Ray Road but was unsuccessful.
- There is an existing park site at Highway 33 and Loseth Drive.

John Vielvoye, president, Rutland Residents Association:

- If access is granted from Ray Road, the Toovey and Bentien Roads would need to be substantially upgraded first.

Tony Balisky, 1240 Band Road:

- Is not opposed to this application but would like to have the ultimate road access right from the start.
- Has been holding off on submitting an application for development of his property for about a year now waiting for the road issue to be resolved.

## Staff:

- The Whitehouses have very recently indicated that they would be prepared to proceed with the ultimate road plan in exchange for dedicating Band Road. Staff will be discussing that with the other property owners involved to see if a mutual agreement can be reached.

Rob Webster, D.E. Pilling & Associates, applicant – continued:

- There would be no need to upgrade Bentien and Toovey Roads because ultimately this development would use the Garner Road intersection, not the Toovey/Highway 33 intersection.
- To his understanding the Loseth intersection would be signalized at Highway 33.

There were no further comments.

Councillor Day returned to the Council Chamber at 5:43 p.m.

**3.3 713 Royal Pine Drive**

- 3.3 Bylaw No. 9458 (Z04-0081) – Elizabeth Csiki, Lisa and Doug Lundquist – Royal Pine Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 30, Township 26, ODYD, Plan KAP49027, located on Royal Pine Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Mayor Gray advised that he lives in the neighbourhood but is not within the notification radius for this application and so will not be declaring a conflict of interest.

Staff:

- The property is currently vacant and slopes up at the rear.
- The applicants are proposing to develop the site with a single family dwelling along with a secondary suite above an attached garage.

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

- letter from Don & Lydia Hopkinson, 682 Royal Pine Drive
- letter from Catherine Grant and Bruce Anderson, 741 Royal Pine Drive
- letter from Andy Heredy, 751 Royal Pine Drive

Opposed because of concern that there would be a negative impact on property values and the character of the neighbourhood, and that traffic would increase.

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

Lisa Lundquist, co-applicant:

- She and her husband and mother are all 1/3 owners of the property and all intend to live on the property, whether or not the rezoning is approved.
- The proposed design is aesthetically pleasing and consistent with the form and character of the area. The design would not change if the rezoning is not approved, they just would not have the suite.
- Her mother is still young and independent and the suite would provide her with privacy and autonomy while allowing her to be close to her family.
- On-site parking would include a 2-car garage with driveway space to provide tandem parking, and a gravel driveway along the house leading to the back to parking for 3 extra vehicles.
- She and her husband have two small children and are as concerned as the neighbours about traffic and children's safety.
- Have contacted and shared the proposed plans with the immediate neighbours and they verbally indicated support for the application.

Elizabeth Csiki, co-applicant:

- Wants to live close to her family so she can help out when necessary but wants her privacy.
- The rezoning would allow a locking door between the main house and her suite so that both would have privacy and a separate utility bill.
- They are each contributing 1/3 each to the costs of construction of this house.

Doug Lundquist, co-applicant:

- The suite would allow them the most comfortable arrangements and they are being honest and straight forward about their preferred plans for the lot.

Peter Bikicki, 692 Royal Pine:

- Has owned property in the past that was devalued as a result of a rental unit in the neighbourhood. Concerned that could happen again here.  
Concerned that approval of the rezoning could set a precedent for other suites in the neighbourhood.

There were no further comments.

**3.4(a) 2767 Saucier Road**

- 3.4(a) Bylaw No. 9361 (OCP04-0024) – Stream Harbor Enterprises Ltd. – 2767 Saucier 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 1, Sec. 4, Twp. 26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C., from the Commercial designation to the Rural/Agricultural designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated January 26, 2005.

Staff:

- The property was zoned commercial before it was annexed into the City but does not seem to have ever been used for a commercial use.
- The existing use is residential and that is the proposed future use.
- The non-conformity was discovered when the applicant came in for a permit to renovate the house.
- A Development Permit is on tonight's Regular Meeting agenda to deal with the servicing issues related to this property.

The Acting City Clerk advised that no correspondence and/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.

Applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

**3.4(b) 2767 Saucier Road**

- 3.4(b) Bylaw No. 9362 (Z04-0084) – Stream Harbor Enterprises Ltd. – Saucier Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec.4, Twp.26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C. from the C1 – Local Commercial zone to the RR3 – Rural Residential 3 zone.

See discussion under 3.4(a) above.

**3.5 3301 Appaloosa Road**

- 3.5 Bylaw No. 9365 (Z04-0062) – 694230 B.C. Ltd. (Mill Creek Developments Ltd.) – Appaloosa Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP76772, located on Appaloosa Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the I2-General Industrial zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated January 27, 2005.

## Staff:

- The subject property is located on Appaloosa Road and Hollywood Road North.
- The applicant wishes to rezone the portion of unconstructed road right-of-way that was recently consolidated with the adjacent property in order to allow the site to be developed as a comprehensive warehousing project with a total of eight buildings.
- The Advisory Planning Commission recommends support.

The Acting City Clerk advised that no correspondence and/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.

Harold Schneider, applicant:

- Indicated he had nothing to add at this time.

Severino Andolfatto, 3249 Appaloosa Road:

- Is not opposed to the proposed development but concerned about how the proposed alignment for the future extension of Hollywood Road would impact his property.
- Concerned about safety at the Hollywood Road and Appaloosa Road intersection.

## Staff:

- Road rights-of-way are acquired by the City through development applications. If a road is needed before the adjacent properties develop, the City would negotiate for the R-O-W outside the development process.
- Will pass the concern about safety at the Hollywood/Appaloosa intersection to the appropriate staff.

There were no further comments.

**3.6 358 Cadder Avenue**

- 3.6 Bylaw No. 9366 (Z05-0001) – Chris Young and Nadia Spokarek (Peter J. Chataway) – Cadder Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, D.L. 14, ODYD Plan 3514, located on Cadder Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot housing with Secondary Suite zone.

## Staff:

- The property is within the Abbott Street Heritage Conservation Area.
- The applicant is seeking to rezone in order to construct a carriage house at the rear of the site with access from the lane.
- Form and character of the proposed building would be controlled via a Heritage Alteration Permit.
- On-site parking requirements can be met.
- The proposed suite would be partially on the main floor of the building and on the upper floor.

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

- letter from Teya Coty on behalf of her in-laws, Herb & Sieglinde Scholl, 348 Cadder Avenue
- letter from James Williams & Jillian Stamp, 2083 Abbott Street
- letter from Robert Cichocki, 2030/2032 Doryan Street

Opposed generally because of the negative impact on privacy/views/character of the neighbourhood and traffic would increase and add to 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.

Peter Chataway, applicant:

- There were also 12 letters of support signed by 12 of the 14 surrounding residents; the letters were submitted to the Community Heritage Commission and again to the Clerk's Department last week.

## Staff:

- The letters are form letters and most are dated December 30, 2004.

Peter Chataway, applicant - continued:

- The children live in the existing dwelling. Their parents would live in the proposed suite.
- The proposed building would be Cape Cod style similar to other 'Cape' style heritage houses in the surrounding area.
- The existing house was built in 1946 and has never been evaluated for being added to the Kelowna Heritage Register. The house would not likely meet the necessary criteria to be on the Heritage Register.
- Almost all of the properties in the area have accessory buildings; the 'overlooks' from this building would be onto the accessory buildings on either side.
- The existing front streetscape would be retained.
- The carriage house is an alternative to the mega house that could be built on the property.
- The proposal meets OCP and zoning requirements.
- Read an email from the Kelowna South-Central Association of Neighbourhoods (KSAN) indicating support.
- A 2-car garage and the kitchen and eating area for the suite would be on the main floor of the building; the balance of the 1 bedroom suite would be on the upper floor. Has found that people like their kitchen on the main floor for easy access between the kitchen and herb gardens.
- A future phase 2 is also proposed to upgrade the existing house and that phase would probably proceed within a year.
- Confirmed that he owns the adjacent property to the east.

## Staff:

- Displayed a map showing the properties that have indicated support and opposition to the application.

Teya Coty, 413 Christleton Avenue:

- Is here on behalf of her in-laws, Herb & Sieglinde Scholl, 348 Cadder Avenue.
- Showed photos before and after superimposing the proposed carriage house to show the impact on her inlaws' privacy and view.
- The proposal meets all zoning requirements but is not sensitive to this neighbour.
- The subject property is not a large lot and the house is too large for the yard space. The garage would be encroaching on the side yard setback.
- The proposed Phase 2 would also encroach on the patio space her in-laws have enjoyed for 30 years.
- Advertisements for marketing the property show two homes.

Valerie Hallford, FRAHCAS:

- The applicant is well known in the neighbourhood and his wife is president of KSAN.
- The property owners parents may intend to live in the suite but that could change and the property could potentially become 2 rental homes.
- Phase 2 is not tied to this application so the carriage house could be built and the main dwelling never renovated.
- There are similar houses of the same age that are on the Heritage Register.
- Concerned about the kitchen being on the main floor of the carriage house because often the garage space ends up being used for living space too.
- The property was purchased in November 2004. The previous owner was ill for most of the time he occupied the house and that is why the house fell into ill-repair. Its current style is very legitimate and does not require all the changes that are proposed.
- FRAHCAS is opposed.
- The neighbour at 1863 Abbott Street signed in favour and then apparently retracted that support, based on what was announced by the City Clerk tonight. There may be others who also have retracted their support.
- People are questioning how infill is being done in the heritage area and have been sending in letters to the City expressing that concern.

## Staff:

- Clarified that a Heritage Alteration Permit (HAP) would be required for the proposed Phase 2 renovation of the existing house and a variance would also be required through an HAP if the existing encroachment into the side yard was going to be continued.
- The proposed dormers meet zoning bylaw requirements.
- There are no other properties with the 's' zoning designation in the immediate vicinity.

There were no further comments.

**3.7 Zoning Bylaw Text Amendment - Mixed Use Developments**

- 3.7 Bylaw No. 9369 (TA05-0001) - City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the wording in the C4 – Urban Centre Commercial zone, C7 – Central Business Commercial zone, and Section 8 – Parking and Loading, as outlined in the report of the Planning and Corporate Services Department dated February 4, 2005.

Councillor Shepherd declared a conflict of interest as part owner of a property zoned C4 and left the Council Chamber at 6:58 p.m.

## Staff:

- The text amendment is staff initiated to improve the current wording in the C4 – Urban Centre Commercial zone as it relates to mixed-use developments; change the commercial street frontage requirements for the C7 – Central Business Commercial zone to make them consistent with the proposed C4 changes; and change the parking requirements for the residential component of mixed-use developments in the C4 zone.

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



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

John Vielvoye, president, Rutland Residents Association:

- Concerned about where people will park with the proposed bonusing when no on-street parking is available.

Staff:

- Reducing the amount of parking is part of Transportation Demand Management (TDM) and encourages more pedestrian movement in town centres.
- Parking may be a block or so away but the intent is encourage the people to park and walk around the town centre areas. Transit is also available in town centres and other modes of transportation are also promoted in those areas.

There were no further comments.

Councillor Shepherd returned to the Council Chamber at 7:06 p.m.

4. TERMINATION:

The Hearing was declared terminated at 7:06 p.m.

Certified Correct:

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Mayor

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Acting City Clerk

BLH/am