

Public HearingMay 10, 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, May 10, 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: 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.

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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 27, 2005, and by being placed in the Kelowna Daily Courier issues of May 2 & 3, 2005, and in the Kelowna Capital News issue of May 1, 2005, and by sending out or otherwise delivering 374 letters to the owners and occupiers of surrounding properties between April 27-29, 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) **Zoning Bylaw Text Amendment – Front Yard Setback**

- 3.1(a) Bylaw No. 9399 (TA05-0003) – THAT Section 9.5.1 of City of Kelowna Zoning Bylaw No. 8000 be amended to allow an accessory building with a secondary suite in the A1s – Agriculture 1 with Secondary Suite zone to be located in front of the principal dwelling provided it is located at least two times the distance of the required front yard setback.

Staff:

- The amendments are City-initiated and both relate to secondary suites in the A1s Agriculture 1 with Secondary Suites zone.
- The proposed text amendment would allow secondary suites within an accessory building in the A1s zone to be in front of the principal dwelling provided that the setback is twice the distance from the front property line.
- The proposed OCP amendment would exempt secondary suites within an accessory building in the A1s zone from the Development Permit process that is normally delegated to the Director of Planning & Corporate Services for review.

The Acting City Clerk advised that no correspondence and/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.

Public HearingMay 10, 2005**3.1(b) OCP Amendment – Development Permit Requirement – A1s Zone**

- 3.1(b) **BYLAW NO. 9400 (OCP05-0006)** – THAT Section 8.3 of Chapter 8 in Kelowna 2020 - Official Community Plan Bylaw No. 7600 be amended to indicate that properties zoned A1s - Agriculture 1 with Secondary Suite, except those lots subject to Section 1.7.1 of the Zoning Bylaw, qualify for a waiver of the Development Permit requirement for secondary suites.

See discussion under Item No. 3.1(a).

3.2 1327 St. Paul Street

- 3.2 Bylaw No. 9407 (Z05-0010) – Tessco Inc. – St. Paul Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to C7 – Central Business Commercial zone.

Staff:

- The applicant is rezoning the property to pursue a mixed use development consisting of ground floor commercial space at street level with 54 apartment suites above.
- Displayed artist's renderings of the project, building elevations, the site plan, parking and landscape plans.
- A variance would be required to waive the requirement for a dedicated loading zone off the lane because it would be necessary to cut back on the parking structure to provide one. Staff do not support granting the variance because of concern that a precedent would be set to waive commercial loading spaces.
- The rezoning is consistent with Planning policies.
- The Advisory Planning Commission recommends support for the rezoning as do staff.

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.

Ross Manning, applicant:

- If necessary, would be willing to register a covenant to restrict the tenancies in the commercial space to professional offices only and prohibit food services to get the commercial loading zone requirement waived.

Staff:

- The applicant could voluntarily register such a covenant, but it would not be at the request of staff.

There were no further comments.

3.3 WITHDRAWN (1795 Country Club Drive)

- 3.3 Bylaw No. 9378 (OCP04-0023) – Bellasera Land Corp. (New Town Planning) – Country Club Drive – THAT Map 19.1 of Kelowna 2020 Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot C, Section 15, Township 23, ODYD Plan KAP76105, located on Country Club Drive, Kelowna, B.C., from the Low Density Multiple Unit Residential designation to the Commercial designation.

WITHDRAWN.

3.4(a) 790, 796-798 & 804 Elliot Avenue

- 3.4(a) Bylaw No. 9402 (OCP045-0001) – The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – Elliot Avenue – THAT Map 19.1 of Kelowna 2020 – Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential – medium density designation.

Staff:

- The subject properties are on the north side of Elliot Avenue abutting the Immaculate Conception church and school site.
- The OCP includes wording as to when it would be appropriate to consider a change in density of the land use designation. This application meets some of that criteria; however, the increase in density is supposed to be no more than one increment over existing and this change would be two increments more so staff do not recommend in support.
- The rezoning is needed to accommodate a 4-storey congregate housing apartment building proposed for construction on the site. The proposed 48-unit project would include 1 resident manager's suite, 17 two-bedroom units; 9-one bedroom units and 21 congregate housing units.
- Displayed renderings showing building elevations.
- If the application proceeds, variances would also be required to allow for two architectural projections into the rear yard; increase the allowable building lot coverage from maximum 40% to 44%; reduce the parking requirement from 44 to either 31 or 28 stalls; address setback requirements of the existing building from the ultimate property lines and as a result of improvements to the lane and Elliot Avenue.
- The Advisory Planning Commission recommends support of both the OCP amendment and the rezoning.
- City Planning Department staff do not recommend support for either the OCP or the rezoning.
- The subject properties total about 2/3 acre in area.
- Responded to questions of Council regarding what could potentially be achieved on the subject property under the RM3 versus the RM5 zones.

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

Opposition:

- petition bearing 28 signatures
- petition bearing 44 signatures
- letter from Joyce Gibson, 759 Sutherland Avenue
- letter from Robert Morton, 808 Sutherland Avenue
- letter from Terra & Hermann Reindl, 837 Rowcliffe Avenue
- letter from Gilles & Pirjo Boucher, 103 – 1986 Bowes Street
- letter from Tim Swanky, 770 Copeland Place
- letter from Joan MacFarlane, 789 Sutherland Avenue
- letter from Marlene Hutton, 740 Sutherland Avenue
- letter from Margaret Morton, 808 Sutherland Avenue
- letter from Ian Bates and Ian Jackson, 763 Rowcliffe Avenue
- letter from John Zeger, Chair, Citizens for Responsible Community Planning

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- letter from Anni, Bernd, Brenda & Sara Cymmek, 722 and 726 Elliot Avenue
- letter from Nadine Clark, 799-801 Copeland Place
- letter from Peter Chataway, 368 Cadder Avenue
- letter from Pat Munro, President, Kelowna South-Central Association of Neighbourhoods (KSAN)
- letter from Brian Wallace, 773 Rowcliffe Avenue

Opposed generally on the basis that the proposed building height would not be compatible with the character of the neighbourhood and would negatively impact views and sun exposure for the neighbours; increased traffic congestion; lack of parking; construction traffic/impact on safety; a precedent would be set that would encourage other landowners to build apartment buildings in long established neighbourhoods.

Support:

- information package submitted from the applicant including a map showing a survey of the neighbours who did not object to the application.

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

Hans Berger, representing the applicant:

- Many of the seniors in the gallery belong to the parish and want to live close to their church of faith. The church wants to provide that with the affordable housing that is proposed. Affordable housing is needed in the community and in this instance the church is not asking for any funding assistance from government.
- Elderly people tend not to drive and are dependent on others to drive them to church. Living next door would allow them to walk to church. Congregate housing does not require the same amount of parking as is required for typical apartment buildings.
- The proposed building was designed at the proposed density and height in order to make the units affordable.
- There is demand for affordable housing in Kelowna and the proposed location is good for the parishioners of the church.
- He and other committee members went to each house within the 100 m notification radius for this application to explain the proposal. Some people supported and then signed in opposition.
- Vehicles would continue to enter the site from Sutherland Avenue and exit via the back alley. There would be a limited amount of visitor parking provided for the apartment building; excess could park in the church parking lot.
- Access to the underbuilding parking would be from the lane.

Sig Ottenbreit, 1754 Ethel Street:

- Spoke in support. Has been a parishioner of the Immaculate Conception church since 1960.
- The church has discussed putting the housing on the existing site, but there are already 8 buildings on the site and 3 are schools and the 300+ students need playfields. The church has already had to remove tennis courts to get more on-site parking.
- Kelowna has to start expanding vertically, even in residential areas. All the high-rises cannot be on the lakefront.
- There are over 30 apartment buildings between Harvey and Elliot, Pandosy and Gordon. None are in the same block as the subject property.
- There are four apartment buildings within a block of his house and traffic is noticeably less because they are senior apartments where many of the residents do not drive. His house and property have almost doubled in price since the apartments were built.
- Kelowna has a lot of senior citizens who need accommodation of this kind to keep them out of the care homes intended for invalids.

Public HearingMay 10, 2005Julie Wambeke, 615 Rose Avenue:

- Spoke in support. Has lived at this address since 1960.
- Seniors have given of themselves for years and many are still giving through volunteer work. They deserve a nice, quiet safe place to live where they do not have to maintain their own yards and can be close to their church and where there is friendship. When seniors move to congregate housing, their single family lots become available for younger people.

Don Cameron, 1288 McCallum Road:

- Spoke in support. Has been a member of the parish for a number of years. The proposed senior complex is much needed.
- Canvassed the people who would be most affected and the results were overwhelming.

Matthew Longman, 1879 Ethel Street:

- Spoke in support. Is a business owner in the area (registered massage therapist).
- The senior population will be doubling in the next years and there is not enough seniors accommodation being built to keep up with current trends. There are waiting lists for seniors housing which gets the congestion out of hospitals and nursing homes.
- Building up is better than urban sprawl and makes more efficient use of space.

Pat Munro, 368 Cadder Avenue (representing KSAN):

- The Kelowna South-Central Neighbourhood of Associations (KSAN) is opposed to the OCP amendment and the rezoning and wants to see the existing future land use in the OCP respected.
- This is a quiet RU6 zoned neighbourhood. KSAN surveyed a broad area in the neighbourhood because of the concern that a precedent could be set if this application is allowed to proceed. Several residents were worried about signing a petition of opposition when they had already signed the applicant's petition of support and felt morally that they could not sign both.
- The size of the proposed apartment would not fit into the form and character of this long established neighbourhood.
- KSAN supports housing infill but a 4-storey apartment is too enormous. Also concerned about traffic on Sutherland, lack of parking, and the impact of the proposed building on sunlight and views.
- Would like to retain the existing housing stock that is on Elliot Avenue.

Margaret Wort, 539 Sutherland Avenue:

- Spoke in support. It is better to avoid sprawl by building up instead of out; parking would not be a concern because most of the seniors do not drive; being close to the church becomes more important as people age.

Eileen Collins, 272 Burne Avenue:

- Spoke in support. Her mother died waiting for the church's last housing proposal that was denied several years ago. Seniors are at risk in their own homes and are asking for safe and affordable housing. Many of these seniors volunteer to help children in the school with their reading and are not going to add to the problems in the community.

Public HearingMay 10, 2005Robert Morton, 808 Sutherland Avenue:

- Has lived in the neighbourhood for 15 years and does not know any neighbours who support this proposal.
- People's biggest investment is in their homes and they do not want to be overshadowed by a 4-storey apartment because of concerns about loss of privacy, sunlight and other negative issues that go with a building of such a large size.
- If this is approved the other properties behind would become apartments because no-one would want to live in a house behind a 4-storey apartment. Approval of this application would be the beginning of the end for the neighbourhood.
- The application is not supported by the neighbours, the OCP or City staff and nor should it be supported by Council.
- A housing proposal would be more acceptable on the existing church site.

Doreen Morash, 816 Sutherland Avenue:

- Bought her property about one year ago and was surprised at the amount of traffic on Sutherland.
- People do not use the parking lot, they park on the street.
- Cannot imagine that a 4-storey apartment would not further impact on-street parking. The street is stressed as it is. Families and friends would be visiting and delivery trucks would be going in and out of the lane. The problem is bad enough as it is, morning, afternoon and night.

Betty Yarrow, 109 Maple Keys Two:

- Spoke in support. The project would better the area because the seniors living there would be watching and make the area safer; loss of view is not a big deal; the housing complex would be quiet and traffic would most likely decrease.

Tina Marten, 773 Sutherland Avenue:

- Spoke on behalf of herself and her parents, Marianne and Eckhard Marten who accompanied their daughter to the podium, and who also live at 773 Sutherland Avenue; all are opposed to the subject application.
- There is a reason for having an OCP and applications should be in keeping with the OCP.
- The rezoning would set a precedent for similar applications in the neighbourhood.
- The proposed development is not compatible with the existing neighbourhood and is inappropriate for the site. Neighbours would lose privacy and access for emergency vehicles could be a concern with the traffic congestion in the lane.

Walter Weisstock, 618 San Michelle Road:

- Spoke in support. Owns property in the neighbourhood (duplex at 762/764 Elliot Avenue) and does not feel the proposed development would negatively impact his property. The existing density in the neighbourhood was established before the OCP. No precedent would be set by approving this because would expect that any other applications would be considered on their own merits.

Margaret Morton, 808 Sutherland Avenue:

- The area residents have been refurbishing and fixing up their homes based on the existing OCP designation. Other development has fit in well. However, a 4-storey apartment would not fit in with the character of the existing neighbourhood.
- Others are lined up waiting to see if this gets approved and if it does they will be applying for higher density too. This would set a precedent.

Public HearingMay 10, 2005Peter Chataway, 368 Cadder Avenue:

- The building is too massive and should be stepped back as it goes up to be more compatible with adjacent buildings which on three sides of the subject property are single family homes.
- The applicant is trying to put too much on the property.
- Suggest the applicant meet with the neighbourhood association to try to get a seniors housing project of a lesser scale so the impact would not be so devastating on the neighbourhood.
- Council needs to support successful streets and neighbourhoods like Elliot, Sutherland and Rowcliffe.

Hans Berger, continued:

- Has already attended a KSAN meeting which he followed up with a letter asking for suggestions to address the concerns about the building design but received no response. Sees no point in meeting with KSAN again.
- The church needs the number of suites being requested in order to make the project viable.

Nadine Clark, 801 Copeland Place:

- Opposed. The location is not appropriate and the proposal does not fit in with the plans.

Lisa Porteous, 829 Rowcliffe Avenue:

- Purchased their property about 3-4 years ago and are renovating and upgrading the house with the intention of raising their family there.
- Concerned about spot rezoning and that this application would bring spot rezoning closer to their home. Would not want to have a similar development next door; however, it would be difficult to afford to move because housing costs are up. Worried those who could afford to move would end up renting their houses. Most are now owner-occupied and show-casing their homes. The character of the neighbourhood could change with tenants.

Marian Grimwood, 4574 Doeksen Road:

- Submitted her speaking notes.
- Does not live in the neighbourhood and is not personally affected by the proposal but, from the point of view of a developer, the church should be treated the same as any other developer and the project should have to be on a property that is properly zoned and in keeping with City Planning documents.
- Residents need to be able to rely on the community plans when deciding where to buy and live, and developers need to rely on them too when deciding where to buy and develop.
- Cannot allow leap-frogging of non-conforming development into neighbourhoods.
- Need to redevelop and develop in an orderly fashion.

Ted Thomas, on behalf of the Arch Diocese of Nelson:

- The design has been changed to exceed all setback requirements.
- The L shaped configuration would maximize sun angles.
- Does not believe approval of the application would set a precedent or negatively impact property values and in his opinion parking is not an issue.

Carol Williams, 795 Copeland Place:

- Spoke in support. The building would complement the area in many ways.
- Is not a member of the church.

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- Was told that the church would not be allowed to replace any of the buildings if they were removed from the site and so their plans are to renovate and upgrade the existing buildings. That is also why the church bought the subject properties for the proposed project, and these are the only other properties the church owns in the area.
- The church can control the traffic flow on and through their property but not in the lanes so there is two-way traffic movement in the lanes.
- The surveys and petitions do not seem to have much credibility. Council's decision should be based on the input received tonight.

Hans Berger, continued:

- Submitted a survey indicating a total of 615 residential units in housing developments associated with 7 churches in Kelowna.
- The proposed housing units would be owned by the Diocese and rented. The units are intended for seniors in the church.
- Would save as many trees on the site as possible.

Staff:

- Some of the buildings on the existing church site are non-conforming with respect to property lines and setbacks; however, the uses are all permitted in the zone. To do any kind of housing project on the church site would require rezoning.

Council:

- Considered adjourning the portion of the Public Hearing dealing with this application to a future date.

Hans Berger, continued:

- Would accept an adjournment if Council's intent is to only get the number of units reduced by one or two, but not if it is to reduce the number of units to a large extent.

There were no further comments.

3.4(b) 790, 796-798 & 804 Elliot Avenue

3.4(b) Bylaw No. 9403 (Z05-0004) – The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – Elliot Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone.

See discussion under Item 3.4(a).

4. TERMINATION:

The Hearing was declared terminated at 10:33 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am