

Public HearingNovember 1, 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, November 1, 2005.

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

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 17, 2005, and by being placed in the Kelowna Daily Courier issues of October 24 & 25, 2005 and in the Kelowna Capital News issue of October 23, 2005, and by sending out or otherwise delivering 950 letters to the owners and occupiers of surrounding properties between October 17-22, 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 **1240 Band Road**

- 3.1 Bylaw No. 9500 (Z05-0029) – Tony Balisky (D.E. Pilling and Associates Ltd.) – Band Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 13, Twp. 26, ODYD, Plan 13388, located on Band 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 21 lot single family subdivision.
- Showed the proposed layout.
- Main access would be from a new realigned intersection with Garner Road on the south side of Highway 33. No direct access would be permitted from Highway 33.
- The rezoning application is consistent with the Official Community Plan and the Highway 33 Area Structure Plan.
- City Parks Division staff have identified a preferred location for a neighbourhood park in an area that is not on the subject property.
- The Advisory Planning Commission recommends support as do staff.

The 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.

David Pauls, applicant:

- Confirmed that this development would be contributing DCCs toward the Highway 33 road improvements.

There were no further comments.

### **3.2 470 and 500 Fleming Road and 1065 and 1075 Leathead Road**

- 3.2 Bylaw No. 9503 (Z05-0035) – Donald Kirschner, Steven Kirschner, Gordon Kirschner, Heidi Kirschner, Allan Kirschner, Angelica Kirschner, Neil Lachelt and Deborah Lachelt (New Town Planning Services) – Fleming Road and Leathead Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following parcels:

Lot 1, Section 27, Township 26, O.D.Y.D. Plan 10847 Except Plan A12943;  
 Lot 2, Section 27, Township 26, O.D.Y.D. Plan 10847;  
 Lot C, Section 27, Township 26, O.D.Y.D. Plan 24982; and  
 Part of Lot B, Section 27, Township 26, O.D.Y.D. Plan 24982;

all located on Fleming Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

Staff:

- There are four subject properties. The applicant is proposing to rezone three of them along with a 4 m strip of the northerly fourth lot to create six new RU6 lots. Two of the new lots would front onto Leathead Road and four would front onto Fleming Road.
- The rezoning is consistent with the Official Community Plan and the Rutland Sector Plan.
- The Advisory Planning Commission recommends support as do staff.

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

- petition with accompanying letters and photos signed by 34 residents of the surrounding neighbourhood opposed generally because of the negative impact on the character of the neighbourhood, pedestrian traffic would increase in an area where there are no sidewalks or street lights; inadequate parking, and traffic congestion and crime 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.

Keith Funk, applicant:

- Displayed a graphic showing the existing land uses in the surrounding area.
- The rezoning would facilitate construction of 6 duplex homes.
- The lots are large and in an older subdivision.
- The applicant proposes to retain the Kirschner family home, with minor modifications to meet side yard setback requirements.
- Including the strip of the abutting property to the south would allow the proposed lots to be spaced in an even pattern.

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- There appears to be confusion in the neighbourhood that a duplex zone could become four-plexes. Displayed an excerpt of the Zoning Bylaw stating that the only option for a secondary suite in the RU6 zone would be a single family dwelling with secondary suite. The Zoning Bylaw does not permit suites in duplexes within the RU6 zone.
- Did not meet with the residents to discuss the proposal because the application is OCP compliant and there did not appear to be any resistance in the neighbourhood. Learned on Friday of the petitions that had been submitted to the City and then contacted as many residents as possible.
- The owners would be interested in a higher density development on a larger land assembly but an OCP amendment would be required for that so they reluctantly settled on the subject application.

David Cullen, 343 Christleton Avenue:

- He has a daughter and several friends living in the neighbourhood.
- There has been a lot of local improvement on Fleming Road with the introduction of sewer and a lot of new houses have been going up but this neighbourhood is not appropriate for duplexes and higher density.
- Hein Road is a rental neighbourhood and the lack of ownership is evident in the appearance of the properties.
- The proposed duplexes would be rental units and would do nothing to improve the area. People abuse the bylaws. Concerned the duplexes would be occupied as four-plex units.
- Would prefer rezoning the property for single family dwellings or a condominium development similar to the other condo in the area (Hartwick Park).

Staff:

- Clarified that Hartwick Park is a small lot bareland strata single family development.

Bob Naka:

- Grew up at 1025 Leathead Road and still has an interest in that property.
- Hein Road is one of the worst things the City has ever done and the proposed duplexes would just make Hein Road a bigger Hein Road.
- Would prefer a condominium development that is owned. It is small rental units bunched together that seem to create the atmosphere that is of concern to the whole of Rutland.

Peter Harshenin, 1090 Houghton Road:

- He purchased Mr. Hein's property before Hein Road existed and in 1981 he built a second house at the rear of the property and that is where he now lives (1090 Houghton Road).
- Has witnessed many changes to the neighbourhood over the years, sadly negative.
- Displayed photos of some of the rental properties on Hein Road to support his assertion that the lots are unsightly and parking a disaster. The slum landlords make no attempt to rectify the situation. Concerned the proposed development would end up like the development on Hein Road.
- People skirt around City regulations and do what they want.
- Parking from the businesses on Leathead Road spills onto Fleming Road.
- A strata development like Hartwick Park would be wonderful, so would an apartment with a resident manager. Ideally, would prefer single family residential, so as not to increase the density so much, with ownership.

Public HearingNovember 1, 2005Art Wiens, 395 Fleming Road:

- Cannot support any rental accommodation at all. Traffic is already a concern on Fleming Road; there is no speed limit and parking spills over from Leathead.
- Three months after the sewer project went down Hein Road it was a mess again; does not want to see that on Fleming Road.

Dale Krebbers:

- Is a resident of Centennial Crescent but owns a duplex at 466-468 Fleming Road. It is the best duplex on the street and he takes pride in it.
- Supports developing the subject property with something owned instead of rental too. Ownership seems to make a world of difference.
- Does not care what the applicant develops on the property as long as it is owned and the existing buildings are replaced with newer buildings, Kirschner house included.

Shauneen Kitsul, 467 Fleming Road:

- Has experienced nothing but problems (i.e. vehicle stolen, being shot at with a pellet gun while in her house) since moving to the neighbourhood.
- A lot of the people living on Hein Road are good people and they use Fleming Road because it is safer than Hein Road.
- Kelowna needs multi-family housing but the number of duplexes and four-plexes in this area is unreasonable and disproportionate.
- Did not get her notice of this meeting until October 17<sup>th</sup> and nobody contacted her about the application before that.
- The proposed rental units would provide financial gain for the owners but no benefit for the neighbourhood.
- Is opposed to anything that is rental.
- Approval of this application would make sure that the area becomes a slum area as the Hein Road area is already known.

Audrey Palfrey, 465 Fleming Road:

- Is also part owner of 1025 Leathead Road:
- Her family (Naka's) farmed that area for years and watched Hein Road being developed in 1970, and watched in horror to what developed from that. It ruined property values and the crime rate went up. It changed the way of life in the neighbourhood and changed the school too – quality teachers did not want to work there. Does not understand why the City would let that happen to an area. The proposed application would just proliferate more of the same.
- Does not feel safe there anymore. Rutland people are very community minded but this is not a community minded thing to put in this area. It is not fair when the residents cannot feel safe in their own homes anymore and to proliferate that is not fair either.
- There are already more rental units than single family homes on Fleming Road.
- Was not contacted by the applicant and she lives right across the street.
- Read and submitted a letter from Keith and Laura Antonson, 405 Fleming Road, expressing concern about the negative impact six duplexes would have on the neighbourhood.
- All but one of the duplex properties on the street are unsightly.
- Urged Council to think of the families that live on Fleming Road when making their decision on this application.

Wendy Cullen, 370 Fleming Road:

- She is currently redeveloping her property with a new single family house and is investing a lot of money to improve and create a nice environment in the area. Would prefer that the subject property also be developed with affordable single family residential with ownership or a strata development similar to Hartwick Park.
- There are already too many rental units in the neighbourhood.

Keith Funk, continued:

- Explained how he tried to identify and contact the names on the petitions once he learned there was resistance to the application.
- All of the proposed lots would be developed with new homes except the lot with the Kirschner home.
- The proposed duplexes would provide more affordable housing.
- Is open to investigating other options for developing the property.
- Suggested that a free clean-up week in the neighbourhood may help restore the lost pride of the residents in the area.

There were no further comments.

**3.3(a) North of McKinley Road**

3.3(a) Bylaw No. 9504 (OCP04-0019) – 616507 BC Ltd. (D.E. Pilling & Associates Ltd.) – North of McKinley Road – THAT Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 1, Secs. 20 & 29, Twp. 23, ODYD, Plan KAP70569 except Plan KAP70818, located on McKinley Road, Kelowna, B.C., from Future Urban Reserve to Rural/Agricultural.

Staff:

- The requested OCP amendment and rezoning would facilitate a proposed 15 lot rural residential subdivision of 1-2 ha lot sizes.
- Showed the proposed subdivision layout.
- The majority of the lots are on the bottom part of the property with one large lot remainder.
- The development potential is limited due to topography with over 90% of the property being well over 30% slopes.
- At initial consideration Council had issues regarding public open space. There will be linear parks from McKinley Road through the Vintage landing area to the north and the applicant is now prepared to dedicate 41 acres of the subject property as park land and give the City first option to purchase for \$1.00. A park reserve agreement would preserve the land until such time as adjacent property also develops.
- The Advisory Planning Commission and City Planning staff acknowledge the site's limited development potential for urban use and therefore recommend support for the OCP amendment and concurrent rezoning.
- An environmental development permit would be required as part of the subdivision process to ensure that the driveways, septic fields and building sites can be proven out. A professional foresters report for wildfire mitigation would also be required.

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

- petition bearing 4 signatures
- letter from Doug & Jean Flintoft, 2010 McKinley Road
- letter from Milt Dilworth, 866 Glenmore Drive
- letter from Doug & Linda Cruikshank, 211 Merlin Court
- letter from Elroy Dueck, 715 Leathead Road
- letter from Lloyd Keller, 568 Cawston Avenue
- letter from Roger Klingspohn, 953 Laurier Avenue
- letter from Debra Harding, 1870 Parkinson Way
- letter from S. Pottinger, 4465 Nottingham Road
- letter from M. McIntaggard, Pitcairn Court

all supporting the application generally on the basis that the development would be beneficial to the area and the City would gain park land.

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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.

Applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

**3.3(b) North of McKinley Landing**

- 3.3(b) Bylaw No. 9505 (Z05-0009) – 616507 BC Ltd. (D.E. Pilling & Associates Ltd.) – North of McKinley Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Secs. 20 & 29, Twp. 23, ODYD, Plan KAP70569 except Plan KAP70818, located on McKinley Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone.

See under 3.3(a) above.

**3.4 1957 and 1961 Kane Road**

- 3.4 Bylaw No. 9497 (Z05-0042) – 0713522 BC Ltd. – Kane Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1 and 2, Section 33, Township 26, ODYD Plan 23353, located on Kane Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM5 – Medium Density Multiple Housing zone.

Staff:

- The property is at the corner of Kane and Drysdale Roads. The applicant is proposing to redevelop the two lots with a 4-storey, 36-unit apartment building.
- The requested zoning is consistent with the OCP future land use designation.
- Showed an artist's rendering of the proposed building.
- The proposed site plan indicates access along the south side of the building to an underground parkade and a drop off area at the front end of the building.
- The Advisory Planning Commission recommends support as do staff.
- As other properties redevelop in the area, the intersection of Kane/Valley Roads will be redesigned to line up at more of a 90% angle.

The 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.

**3.5 375 Taylor Road**

- 3.5 Bylaw No. 9498 (Z05-0055) – Armogan and Elizabeth Oidyar – Taylor Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 22, Township 26, ODYD, Plan 31372, located on Taylor Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

## Staff:

- The property is a corner lot at Taylor/Elwyn Road. The rezoning is requested to support a second residential unit on the property. The existing house is oriented to Taylor Road. The second principle residence would be in the rear of the property facing Elwyn Road. The garage would be removed. The property would remain in a single title.
- A development permit and development variance permit would also be required.
- Displayed a conceptual drawing showing that the proposed house would be single storey.
- The applicant supplied letters of support with their application.

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

- letter from Krista Clement, 475 Taylor Road, supporting the application on the basis that many of the lots in this neighbourhood could easily support a duplex or suite.

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

Beth Oidyar, applicant:

- The large Maple tree was bug infested and had to be removed, but will try to retain the Cherry tree.

There were no further comments.

**3.6 2750 Arthur Road**

- 3.6 Bylaw No. 9499 (Z05-0047) – Ross Grieve (Burrowes Huggins Architect) – Arthur Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 20, Township 23, ODYD, Plan 5370, located on Arthur Road, Kelowna, B.C. from the A1- Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone.

## Staff:

- The subject property is on the waterfront.
- The intent is to build a new principal residence and a second residential unit that would be used as a guest house and for storage. Drew Council's attention to the model provided by the applicant.
- Concurrent development permit and development variance permit applications are on tonight's Regular Meeting agenda.

The 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.

Mike Huggins, Burrowes Huggins Architect:

- Worked with the two adjacent neighbours through the process and both provided letters in support of the application.

There were no further comments.

**3.7 570 Bach Road**

- 3.7 Bylaw No. 9501 (Z05-0057) – Naqina & Kuldeep Johal (United Homes) – Bach Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 25, Section 26, Township 26, ODYD, Plan 22499 located on Bach Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

## Staff:

- The property is on the corner of Bach and Hemloch Roads. The rezoning would facilitate refurbishing the existing house and developing a second residence with access from Hemlock Road.
- Contrary to what is in the staff report, the Advisory Planning Commission did not support the rezoning because they felt the application was inconsistent with the surrounding neighbourhood.
- Staff recommend in support as the densification of the lot through rezoning is consistent with the objectives of the OCP.
- Showed the front elevation of the proposed second house and a photo of the existing house.
- A development permit would be required and a condition of the DP would be to update the exterior of the existing house to complement the new dwelling.

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

- letter from Joe Cundy, 615 Girard Road
  - letter from Joanne Picklyk, 610 Bach Road
  - letter from Delia Almajan, 580 Bach Road
- opposed generally on the basis that the lot is not large enough to accommodate two houses, lack of parking, increased traffic congestion, and negative impact on the neighbourhood and on surrounding property values.

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

Greg Withers, 595 Bach Road:

- Is opposed.
- It is encouraging to hear that a DP would be required because the existing house does not suit the area at all.
- Concerned about policing to ensure that the illegal suite in the downstairs of the existing house does not get reopened.
- The applicant is talking about putting up a fence in an area that currently is kept open with small shrubbery in front. A fence would split up the subdivision.
- With redevelopment of the park and the new school, parking is already a real problem. There is also congestion at the stop sign because of a large tree and a power pole.
- All of the lots are large because they were created on septic systems. Do not want to turn the neighbourhood into a Hein Road.
- Would prefer a duplex over what the applicant is proposing.
- Urged Council to respect the original zoning of the property in this area.



Delia Almajan, 580 Bach Road:

- Is strongly opposed.
- Has only lived in the neighbourhood since September and in that time the illegal suite has created problems for her and her visitors.
- The exterior of the existing house and the yard are not maintained to the same standard as the rest of the houses. Another home would just increase that problem.
- The neighbourhood cannot support any more traffic on the cul-de-sac.
- Bought her house because of the view of the soccer field across from her place; the proposed second house would take away from that view.

There were no further comments.

**3.8 4990 Highway 97 North**

- 3.8 Bylaw No. 9506 (Z05-0063) – University of British Columbia-Okanagan (HMA Architects) – Highway 97 North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Secs. 10 & 11, Twp. 23, O.D.Y.D., Plan 38917 Exc. Plan KAP57788, located on Highway 97 North, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional zone.

## Staff:

- The property under rezoning is part of the land titled for UBC-O.
- UBC-O is building two student residence buildings. One crosses the zoning boundary and so a boundary adjustment is required to accommodate that building footprint.
- Staff are working with UBC-O on a zoning specific to that site. Meanwhile, they will probably back to Council with at least one application for a height variance.
- This is a minor adjustment to the zoning boundary. Recommend support.

The 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. There was no response.

**3.9 710 & 730 Martin Avenue and 1419 Richter Street**

- 3.9 Bylaw No. 9507 (z05-0053) – William Grover, Sing and Kayea Wong (J. Herman Group Inc.) – Martin Avenue and Richter Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 2, 3 & 4, DL 138, ODYD, Plan 1346 located on Martin Avenue and Richter Street, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.

## Staff:

- There are existing homes on each of the three lots.
- The applicant is proposing to redevelop the property with a 4½ storey, 30-unit apartment building above an under-building parkade.
- Roof top garden areas would be reserved for owners of the upper floor units.
- Staff are still working with the applicant on some of the design issues. A development permit and development variance permit would be considered concurrent with final approval of the rezoning.
- The rezoning is consistent with the OCP.

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

- letter from Pamela Bagusch, 680 Doyle Avenue
  - letter from Bruce Harbour, 770 Stockwell Avenue
- opposed generally on the basis that there is already too much multi-family housing in the area and traffic and pollution 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.

Glenda Miller, applicant:

- Displayed an artist's rendering of the proposed frame building and expanded on the proposed development noting there would be 8 ground level townhomes and 22 New York style flats on the upper floors; the third and fourth floors would be stepped back; planters and berming would screen the parkade wall.
- The landscape plan has been revised to include more landscaping abutting the one neighbouring property.
- Efforts were made to discuss the plans with the neighbours and there were no concerns.
- Affordable housing was not considered viable because of high construction costs.

There were no further comments.

**3.10 3302-3316 Appaloosa Road**

- 3.10 Bylaw No. 9502 (Z05-0050) – 694230 BC Ltd. (Harold Schneider) – Appaloosa Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 1, Sec. 2, Twp. 23, ODYD, Plan KAP77846, located on Appaloosa Road, Kelowna, B.C., from the I2 – General Industrial zone to the I2 – General Industrial and I1- Business Industrial zones.

Staff:

- A development permit has already been issued to develop the front portion of the property with two industrial buildings. The applicant now wants to create additional office space on the second floor that exceeds what is allowed under the current zoning.
- Showed the plan for the future road network in the area noting a small portion of the road network is on the subject property and that will be acquired by the City at a future date.

The 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.

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4. TERMINATION:

The Hearing was declared terminated at 7:18 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am