

Public HearingNovember 15, 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 15, 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 and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; Deputy 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 5:02 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.

Councillors Cannan and Shepherd entered the Council Chamber at 5:03 p.m.

The Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 28, 2005, and by being placed in the Kelowna Daily Courier issues of November 7 & 8, 2005, and in the Kelowna Capital News issue of November 6, 2005, and by sending out or otherwise delivering 822 letters to the owners and occupiers of surrounding properties between October 28 and November 1, 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 5110 Frost Road**

- 3.1 Bylaw No. 9512 (Z05-0051) – Irandokht Khodarahmi (Protech Consultants Ltd.) – Frost Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot B, DL 1688s, SDYD, Plan 23489, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing and the P3 – Parks & Open Space zones.

Staff:

- The subject property is in the Southwest Okanagan Mission area of the city. A Sector Plan which broke the area into three neighbourhoods was approved in 1994. The subject property is in Neighbourhood 2 and is identified for RU2 and P3 uses.
- The rezoning is requested to facilitate an 18 lot subdivision with the P3 parks and open space component within the FortisBC utility right-of-way.
- The rezoning is consistent with Planning policies.
- The Advisory Planning Commission recommends support as do staff.

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

- letter from Brian & Karen Hawes, 618 South Crest Drive
  - letter from Robert Boback, 598 South Crest Drive
  - letter from Derek Trussler, 606 South Crest Drive
  - 14 name petition signed by residents of the area
- opposed generally because of the negative impact on privacy and property values, and views would be obstructed.

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

Derek Trussler, 606 South Crest Drive:

- He organized the petition of opposition.
- Moved to this address just before the 2003 forest fire. The house was under construction when he bought it. At that time there were only trees behind and he bought the property for the back yard privacy.
- Before buying his property, he asked the South Ridge developers, staff at City Hall, and his realtor about the subject property and was told it was zoned A1 and there were no plans for developing the lot. At the time the property was all treed and very private. Six weeks later the fire took everything down and the owner understandably clear cut the lot, giving the adjacent homes a lake view instead of trees and still with privacy. Now it would appear that the proposed subdivision would completely eliminate the privacy and view of the existing homes.
- The adjacent homes all have the living areas overlooking the property that is up for rezoning and if this application is approved would be looking at homes and their property values would go down substantially with the loss of privacy and view.
- Asked that Council limit the number of lots, restrict the height of the proposed homes, and/or position the houses on the lots in such a way as to minimize the loss of view and privacy for the adjacent residents.
- Did not receive any notification of the proposed lot layout in the mail, and has had no discussion with the new owner or the developer.

Trish Graumann, 602 South Crest Drive:

- Purchased their property for the back yard privacy and the view of the lake from their home.
- Was told by the City that there were no plans for the subject property to develop.
- Asked for assurance that the retaining walls on her property would not be compromised by the proposed development.
- Asked that siting of the homes and/or restricting building heights to 1 storey be considered to preserve the views and privacy from the adjacent homes.

Grant Maddock, applicant:

- The developer was involved in preparation of the Area Sector Plan and it was always known that the subject property would be developed.
- The adjacent lots were sold as non-view lots because of the heavily treed land in front of them. Now they are lucky to have a view.
- Displayed a subdivision plan to show how the proposed lots would compare to the existing abutting lots.
- Displayed photos and a topographic map and explained how with the elevation difference between the subject property and abutting property there would still be view corridors for the homes on South Crest, even if the proposed lots were developed with 2-storey houses.
- The proposed lots are deep enough that no retaining walls would be disturbed.

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- There was no opposition when the application was considered by the Advisory Planning Commission, was surprised to find out late this afternoon about this opposition.
- This is the only lot configuration that works with the property to the south which is also under development. The power lines also restrict the lot configuration.
- There would be a building scheme on the property but it cannot restrict the height of the homes.

There were no further comments.

**3.2 732 Dehart Avenue**

- 3.2 Bylaw No. 9519 (HD05-0001) – City of Kelowna – Dehart Avenue – THAT the building known as the “J.D. Pettigrew House” situated on lands legally described as Lot 2, D.L. 138, ODYD Plan 490, located at 732 Dehart 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:

- The City has the property listed for sale.
- The house has been relocated to its present location from the former Kelowna Secondary School site. Showed a photo of the house in its new location.
- The heritage designation would apply only to the building not the land.
- There is potential for a garage or suite in an accessory building at the rear of the property.

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

Peter Chataway:

- Supports the application, The designation would add incentive for the new owner to continue with the restoration of the home.

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

There were no further comments.

**3.3 1857 Barlee Road**

- 3.3 Bylaw No. 9479 (Z05-0062) – Jack Peters and Cynthia Waldek-Peters (Jack Peters) – Barlee Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, District Lot 129, ODYD Plan 12956, located on Barlee Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The rezoning is requested to legalize an existing secondary suite.
- There is adequate room for on-site parking to meet bylaw requirements.
- Showed photos of the house and yard.
- A Development Variance Permit application is on tonight’s Regular Meeting agenda to deal with the size of the suite.

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The Deputy 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.

Jack Peters, applicant:

- Indicated that he had nothing to add at this time.

There were no further comments.

**3.4 4002 Santa Anita Place**

- 3.4 Bylaw No. 9513 (Z05-0044) – Giovanni and Michelina Molinaro – Santa Anita Place – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, Section 6, Township 26, O.D.Y.D. Plan 40896, located on Santa Anita Place, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone.

## Staff:

- The rezoning is requested to legalize an existing suite in the lower portion of the house.
- There is adequate room for parking on site and there is significant open space in the rear yard.
- There was no bylaw enforcement issue; the applicant just wants to make the suite legal.

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

## Opposition:

- Letter from Wayne & Beverly Shalagan, absentee owners of 4007 Kentucky Place
  - Letter from Ken & June Elkerton, 671 Pimlico Road
  - Letter from Andre Cabuche, 639 Pimlico Road
  - Letter from Macolm & Shirley Dale, 675 Pinlico Road
  - Letter from Zeno & Sandra Cescon, 4027 Kentucky Place
- Opposed because traffic would increase and the character of the neighbourhood and property values would be negatively impacted.

## Support:

- Letter from Glen & Sandi Allison, 699 Saratoga Place, supporting legalizing the suite in question and supporting allowing more legal suites in Kelowna in general to provide more housing opportunities for young families.

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

Giovanni Molinaro, applicant:

- Built this house in 1993 and the suite was used by his children who have now moved away.
- There has never been a stove in the suite – just a microwave oven.
- Now that the family has left, would like to be able to put a stove in the suite so someone can live there and look after the house when they are away.
- There is a separate entrance and parking stall for the one-bedroom suite.

Joanna Blacklock, 659 Pimlico Road:

- Read a letter that she had emailed to the City but that was not mentioned by the Deputy City Clerk, opposing the application and indicating desire for the area to remain a quiet cul-de-sac with single family homes without suites.
- Was not aware the Molinaro's had a suite until receiving notice of this application. Knew family lived there but now it would be someone other than family.
- Based on the building scheme that was in place when she bought her home, her expectation was that the subdivision would be single family without suites. Approval of this application could set a precedent.

There were no further comments.

**3.5 740 Tartan Road**

- 3.5 Bylaw No. 9514 (Z05-0030) – Jarnail & Gumej Khun-Khun (Madan Kanda) – Tartan Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 69, Section 26, Township 26, O.D.Y.D. Plan 22239, located on Tartan Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

## Staff:

- The rezoning would facilitate the development of a second principal dwelling that would replace an existing secondary building in the rear of the property. The dwelling would be 2-storeys with driveway access off Fraser Road.
- City Transportation staff advise that nothing is planned to change the current status of Fraser Road in this area.
- A Direct Development Permit would be required if the rezoning is supported.

The Deputy 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.

Madan Kanda, applicant:

- The owner has gone around to the neighbours to explain the plans and ask for support. Listed the addresses of the neighbours who indicated support.

There were no further comments.

**3.6 3464 Casorso Road**

- 3.6 Bylaw No. 9516 (Z05-0056) – Henry & Zofia Dalba – Casorso Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, District Lot 135, O.D.Y.D. Plan 3886, located on Casorso Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

## Staff:

- The subject property is a double fronting lot.
- The rezoning would allow for two principal dwellings on the same lot. The new house would be 1½ storeys in height and be accessed off Moberly Road.
- A Direct Development Permit would be required to deal with form and character issues if the rezoning application is supported. A Development Variance Permit would also be required to vary the minimum lot width requirement
- Most of the houses in the area are oriented to Moberly Road.
- Subdivision of the property was not an option because there is not enough lot depth.

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The Deputy 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.

Henry Dalba, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

**3.7 438 Trumpeter Road**

- 3.7 Bylaw No. 9517 (Z05-0012) – Susan Snow (Runnalls Denby) – Trumpeter Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot D, Section 24, Township 28, SDYD, Plan 22561, and Lot 18, Section 24, Township 28, SDYD, Plan 31830, located on Trumpeter Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone.

## Staff:

- The two properties are in Neighbourhood 1 in the Southwest Okanagan Mission.
- The property functions as one large property but is actually two legal lots, one being a narrow strip along Trumpeter Road. The rezoning would facilitate a subdivision to create a 0.73 acre lot fronting Trumpeter and about a 0.38 acre lot fronting Chute Lake Road.
- The application is consistent with planning documents.
- The Advisory Planning Commission recommends support as do staff.

The Deputy 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.

There were no further comments.

**3.8 1331, 1341, 1347 Ellis Street**

- 3.8 Bylaw No. 9518 (Z05-0058) – Tessco Inc. – Ellis Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following parcels:  
Lot 5, District Lot 139, O.D.Y.D. Plan 645;  
Lot 4, District Lot 139, O.D.Y.D. Plan 645;  
Lot 3, District Lot 139, O.D.Y.D. Plan 645; and  
Lot A, District Lot 139, O.D.Y.D. Plan KAP79056  
all located on Ellis Street, Kelowna, B.C. from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone.

## Staff:

- The four subject properties are on the east side of Ellis Street. The applicant proposes to develop the site with a mixed use building with 4-storeys of residential over street-front commercial. The commercial would be slightly below sidewalk grade but the entrance would be at-grade.
- Displayed an artist's rendering of the proposed project. Most of staff's design concerns have been addressed to tie in with the cultural district design initiatives.

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- Development Permit and Development Variance Permit applications are on tonight's Regular Meeting agenda.
- Described the plaza between the subject property and the adjacent property to the south, noting the plaza would be 9 m wide and the adjacent property owner will be creating storefronts onto the plaza. Eventually the plaza will provide a pedestrian connection from Ellis Street through to St. Paul Street.

The Deputy 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.

Gary Marvin, ArcPlan Architectural Firm:

- Represents the developer who is from Alberta and is experienced in this type of development. It is a new approach to residential. The elevator would take residents to a suspended walkway in the internal part of the building which would be opened up to the elements. These walkways would be protected from the elements by a canopy structure and would provide outside access to the individual units, avoiding enclosed hallways and the noise and odours that come with hallways.
- The developer has tested this approach to multi-family residential and found it to be well received by the public.
- A lot of the design detailing was changed to adhere more to the cultural district guidelines.
- The applicant is working with City staff to choose appropriate heritage photography for a plaque that would be incorporated into the development.
- The project is actually for 87 residential units not 86 units.

Staff:

- Design changes to make the main entrance to the building more pedestrian oriented resulted in an additional residential unit being achieved.
- The building steps back in towards the central access core and then back out again for articulation to and from Ellis Street. The same pattern has been repeated in the rear. Parking is on the ground floor with access from the rear. Main pedestrian access is from Ellis. Two elevators lead to suspended walkways that lead to the units. The 4<sup>th</sup> floor has some lofted areas.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:31 p.m.

Certified Correct:


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Mayor

BLH/am

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Deputy City Clerk