

Public HearingMay 2, 2006

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 2, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blaneil, B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson and M.J. Rule.

Council members absent: Councillor N.J. Letnick.

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; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 p.m.
2. Mayor Shepherd 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 April 13, 2006, and by being placed in the Kelowna Daily Courier issues of April 24 & 25, 2006, and in the Kelowna Capital News issue of April 23, 2006, and by sending out or otherwise delivering 275 letters to the owners and occupiers of surrounding properties between April 13 - 17, 2006.

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

3.1 824 Galbraith Place

- 3.1 Bylaw No. 9586 (Z06-0010) – Hume-Smith Contracting and Development Co. and Larry Shoemaker and Varitec Enterprises Ltd. (Kenyon Sinclair) – Galbraith Place – THAT City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, Section 26, Township 26, ODYD, Plan KAP76591, located on Galbraith Place, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone.

Staff:

- Displayed photos of the house showing that construction is almost complete.
- The applicant applied from the on-set for a suite on the lower floor of the new building, and internal construction for the suite has been withheld pending the outcome of this rezoning.
- Displayed a diagram to show the exterior finish.
- Parking is off a rear lane access.
- The application is consistent with City Planning policies.

Councillor Gran joined the meeting at 6:05 p.m.

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

- letter of opposition from Elizabeth Conell, 505 Keithley Road.

Mayor Shepherd 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.

3.2 130 & 140 Barber Road and 795 Highway 33 West

- 3.2 Bylaw No. 9588 (Z06-0001) – 0727568 BC Ltd. (New Town Architectural Services Ltd.) – Barber Road and Highway 33 West – THAT City of Kelowna Zoning Bylaw No. 8000 be authorized by changing the zoning classification of Lots 1, 2, & 3, Section 22, Township 26, ODYD, Plan 25464 located on Barber Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RM5 - Medium Density Housing zone.

Staff:

- The subject property is west of the Hollywood Station development at Hollywood Road and Highway 33.
- The proposal is to construct a 4-storey apartment building above a partially below grade parking structure. The south end of the building steps down to 3 storeys.
- Variances would be associated with the Development Permit and they relate to the height of the parkade level. Displayed site plans of the parkade level and explained that the required slope for the ramp to the parking areas precludes the parking structure being lowered any further.
- The rezoning is consistent with the OCP future land use designation.
- The Advisory Planning Commission recommends support.

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

- Package of 10 letters of opposition from the following:
 Darryl Knox, 145 Dundas Road
 Jeff Wagner, 195 Barber Road
 Genevieve Fortney, 765 Hwy 33 W
 David Keir, 210 Barber Road
 Doug Hanson, 230 Barber Road
 Hakon & Karen Nielsen, 200 Barber Road
 Andrew Tse, 155 Barber Road
 Heinz Lange, 215 Barber Road
 Debbie & Guy Basaraba, 135 Barber Road
 Carol Koenig, 765 Hwy 33 W
- Letter of opposition from Tallel & Catherine Abougoush, 160 on Barber Road.

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

Pat McCusker, project architect:

- Indicated he had nothing to add at this time.

Darryl Knox, 145 Dundas Road:

- There is almost no distance between an adjacent house and the 4 storey Hollywood Station development. Concerned that the impact of the proposed building on his house would be even worse. With 16 or more balconies overlooking his back yard, his privacy would be lost and security would be a concern as well.
- His dream has been to find a nice house with privacy in a nice back yard where he can retire and that in future he can hand down to his children. He is now in semi-retirement and his home, which he bought in September of last year, is his dream property. Concerned that with the proposed development next door, his property value will diminish, it will be impossible for him to sell, and even if he could find a house to buy he would likely have to get a mortgage and just before retirement is not a good time to be getting into another mortgage. The proposed development would destroy his life and put financial hardship on him and his family.
- 4 storeys in a residential area is excessive and uncaring and damaging to the area.
- Saw the development notice signs on the property facing Highway 33 and Barber Road and then before Christmas a surveyor used his yard to survey the distance because his yard is lower down than the subject property. The surveyor said that three new houses were going to be built on the subject property. Has not heard anything else about development of the property until yesterday when there was a leaflet in his mailbox.

Carol Koenig, 765 Highway 33 West:

- Her property is directly across Barber Road from the subject property.
- She delivered a lot of the letters from the residents on Barber Road. Their concern is getting in and out of Barber Road; the road is a dead end street and their only access/egress is off Highway 33. Traffic is increasing on Highway 33 and will increase more once Hollywood Station is occupied. There are 16 houses and 2 duplexes on Barber Road and there is no traffic light at the intersection of Highway 33 and Barber Road.
- Concerned about lack of parking if there are 34 units and 2 vehicles per unit and that the additional traffic will exacerbate problems for traffic getting out onto Highway 33.
- For most of the neighbourhood residents, it is the extra traffic on a dead-end street and the fact that there are no sidewalks that are the main concern.
- Would like the developer to be required to provide sidewalks, curbing, proper lighting and fire hydrants.
- She tried to get her property rezoned about 10 years ago and again when MKS Resources was proceeding with Hollywood Station but was told she could not rezone yet she has since found out that the OCP future land use designation of multi-family is the same for her property as for the Hollywood Station property.
- Concerned that some of the lots on Barber Road will end up being surrounded by apartments and duplexes.

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Staff:

- Confirmed that the applicant would be required to upgrade Barber Road to a full urban standard along the frontage of the project.
- The Ministry of Transportation plan has been right-in/right-out for Barber Road.
- Ms. Koenig's property is probably not large enough to be rezoned to multi-family without being consolidated with other properties.
- Planning documents indicate a fair amount of land use change is anticipated in this area.

Pat McCusker, project architect:

- The property line of the rear yard of the proposed development would be setback 13 m from Mr. Knox's property instead of 7 m. And, the development has been sited as far away as possible from the adjacent single family lots. Deciduous trees, a 6 ft. high cedar hedge and a chainlink fence are proposed along the property line.
- The south end of the building steps down to 3 storeys to try to mitigate issues regarding over-look.
- Anticipate that most residents of the development would only have one car.
- To meet parking requirements, it was necessary to put 13 stalls at-grade in the rear yard. The at-grade parking stalls are facing Mr. Knox's property. The rest of the parking is underground.
- Could increase the tree canopy if required to increase privacy for Mr. Knox.

Paul Benson, part of the development group:

- Had intended to talk to the neighbours last week but failed to do that. They delivered the leaflets to the majority of the residents last night and had good dialogue with them at that time. Unfortunately they missed Mr. Knox.
- From the dialogue last night, there were a lot of positive comments about the rendering of the building; any negative comments were more regarding the traffic and the concern was access/egress from Barber Road onto Highway 33.
- Did not contact the neighbours back in February when the application went to the Advisory Planning Commission (APC). There was no indication at that time that there would be any neighbourhood opposition.

Staff:

- There are no other development applications currently in-stream for this neighbourhood. However, the Hollywood Station project is nearing completion and it is anticipated the developer will come in with another application for development in the vicinity.
- Would characterize this area as being in transition and this is just the beginning.
- From the rear of the proposed apartment to the property line the setback is 13 m or about 40 ft. from Mr. Knox property and then Mr. Knox has about a 50 ft. back yard. To accommodate a wider buffer would be a challenge; the configuration is already tight on the subject property.
- The south end building elevation dips down to accommodate access to the garage.
- An amenity room is proposed at the south end of the 4th floor and the open area above the 3rd floor at the south end would also be used as amenity space.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 7:13 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am