

Public HearingJune 27, 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, June 27, 2006.

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

Council members absent: Councillors A.F. Blanleil and C.M. Gran.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Acting Director of Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; Planner, N. Wight; and Council Recording Secretary, B.L. Harder.

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 June 9, 2006 and by being placed in the Kelowna Daily Courier issues of June 20 & 21, 2006, and in the Kelowna Capital News issue of June 18, 2006 and by sending out or otherwise delivering 1,129 letters to the owners and occupiers of surrounding properties between June 8-11, 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

3.1 498 Okaview Road

- 3.1 Bylaw No. 9616 (Z06-0015) – Helga Rochford (Helga & Leslie Rochford) – Okaview Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 24, Township 28, S.D.Y.D. Plan 17367, located on Okaview Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone.

Staff:

- The rezoning would facilitate a subdivision to create two lots.
- The application is consistent with City Planning policies.
- The Advisory Planning Commission recommends support as do staff.

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

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

Applicant:

- Nothing to add at this time.

There were no further comments.

3.2 3059 Gordon Drive

- 3.2 Bylaw No. 9615 (Z06-0002) – Robert Ducharme, Roger Ducharme, Darlene Ducharme (Robert Ducharme) – Gordon Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, District Lot 131, O.D.Y.D. Plan 17696 except Plan H16127, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

Staff:

- The rezoning is requested to accommodate a second single detached house proposed for construction at the rear of the property.
- A turn-around would be provided in the centre of the property so that vehicles do not have to back out onto Gordon Drive when exiting the site.
- The application is consistent with City Planning policies.
- The Advisory Planning Commission recommends support as do staff.

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

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

Applicant:

- Nothing to add at this time.

There were no further comments.

3.3 4523 Gordon Drive

- 3.3 Bylaw No. 9617 – (Z05-0084) – Brian & Cheryl Kokayko – Gordon Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 358, O.D.Y.D. Plan 24635, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

Staff:

- The application is to rezone the entire property to accommodate two dwelling housing in the form of a duplex. The owner wishes to remain in the existing house while constructing a new duplex on the easterly portion of the property and then demolish the existing house and ultimately do the same thing on the westerly portion of the property provided that when he applies to subdivide the property into two lots the application is successful.
- A Development Variance Permit would also be required because of the phasing order of the development that the applicant is proposing.
- The Advisory Planning Commission recommends support for both the rezoning and the variance.
- Staff support the rezoning but do not recommend support for the requested variance because if the applicant was to build the west duplex first, the need for a variance would be avoided.

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

Support:

- letter from the applicant regarding his intent for development of the site.

Opposition:

- letter from Terri Szabics and Robert Wilson, 716 Raymer Road
- letter from Dave & Diane Desjardins, 706 Raymer Road
- letter from Denise McManus, 4493 Wasilow Road
- letter from Carol St-Maurice, 709 Raymer Road
- letter from Mclvin & Joan McClelland, 709 Raymer Road
- letter from Lynn Bouchard, 4573 Horak Road
- two petitions with a total of 52 signatures.

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

Terri Szabics, 716 Raymer Road:

- Lives across Raymer Road from the subject property.
- Opposes introducing duplexes into this single family neighbourhood.
- Traffic is already a problem.
- The schools and roads will not support a higher density population.

Dave Desjardins, 706 Raymer Road:

- Lives on the northeast corner of Raymer/Gordon, directly across from the subject property. Has lived there for five years.
- Chose to live in this area because of the single family dwellings and the highest building in the neighbourhood being a 2-storey home.
- Has spent considerable money fixing up his yard and renovating his house resulting in additional taxes to be paid to the City.
- There is a lot of traffic in the area already.
- Because of all the congestion at the intersection of Raymer/Gordon, a lot of people find it difficult to get out of their driveways. The applicant's proposal would result in the driveway being moved 25-30 ft. closer to the intersection.
- If anything is to be done on Raymer Road, it should be an upgrade of the storm sewer to handle the excess water that comes down after every rainfall and floods people's homes and driveways.
- There are other more suitable locations for this proposal.
- An article in the paper said Mayor and Council and others are going to listen to the public, especially when opposing anything. Is strongly opposed to the rezoning and the building of duplexes on the subject property.
- Would prefer to see one single family house built at the 2 storey building height that is common in the neighbourhood; would rather not even see one duplex on the property let alone two duplexes.

Carol St-Maurice, 709 Raymer Road:

- Is also speaking on behalf of her father – she currently is living in his home.
- Her family has lived in that neighbourhood for over 70 years.
- The applicant's have been good neighbours and nobody is opposed to them building a nice clean home for their family and would like to see them have a way to help finance the new home. However, this is an established single family neighbourhood and the residents do not want one side-by side duplex in the neighbourhood, let alone two. The proposed duplexes would not fit with the existing character of the area.
- There would be no assurance that the property would not be sold at some point in the future and both duplexes used as rental units.
- Recognizes the need for change but wants sensitive infilling; no subdivision of the property – one single family house on the property with a secondary suite would be acceptable.
- There are other areas in Kelowna that are more suited for duplex housing.
- The subject property is on a busy corner and the proposed development would be an eyesore.

Carter Waite, 4500 Gordon Drive:

- His property is kiddy corner from the subject property.
- Is not against a duplex; there are probably going to be apartments introduced into the neighbourhood at some point and that will also change the neighbourhood. But Raymer is a very busy road and houses closest to the corner have a problem getting out.
- Would not like to see a 3 storey building height.

Gene Browne-Clayton: 4534 Gordon Drive.

- His family has lived on their property just two years shy of 100 years.
- Supports the application; the applicant's family is wonderful and if having a duplex makes it so they can afford to stay in the neighbourhood he is all for it.

Ryan Peever, 726 Raymer Road:

- Purchased his place in January and chose this area because it is single family with large lots, young families and good schools.
- Rental housing tends to be low income and renters have a tendency to not look after the yards. The value of his property could be affected by the rental units.
- Approval of this application could set a precedent which would change the whole look of the neighbourhood. If that happened he would probably want to sell and move.
- Concerned about the proximity of the driveway to Raymer and Gordon, the proposed building height, and traffic and noise would increase.
- Would not oppose subdividing the subject property and could support a single family home with a suite on each of the two lots.

Staff:

- Clarified that the historic zoning of this area of the city was single and two family residential; the City's zoning equivalents were applied to the area when it was amalgamated into the City of Kelowna boundaries.

Brian Kokayko, applicant:

- Desperately needs a new home for his family. The existing house should have been torn down 10 years ago but his family has made do with some improvements. Needs to be able to live in the one house while the other is being built. The existing house is built crooked on the property; the new building can be built with the existing house still being there.
- Spoke to all the abutting neighbours in December and showed them a sketch of what was proposed and nobody had a problem with it at the time. Recently learned that the same neighbours have now been petitioning against this application. Some of the same neighbours have been breaking City bylaws with illegal suites and other infractions yet he has never complained or petitioned against them.
- The existing house is in the middle of the property.
- Showed a drawing of the front and rear elevations of the proposed duplex.
- There are two existing duplexes in this same block, and a RU6 zoned property one block over and behind that is a multi-family development which faces a huge R5 development across the street.
- Traffic became heavy when Gordon Drive widened to handle traffic from Kettle Valley.
- Property values are higher with duplexes.
- Does not want unsavoury tenants; his family would still be living there.
- His family takes pride in what they own and that would not change because they had tenants.
- Would be open to considering a different design for the proposed duplexes if required.

Staff:

- Clarified that once the new house is built the old one would be demolished and then occupancy would be granted.

There were no further comments.

3.4(a) 2480 & 2490 Richter Street

- 3.4(a) Bylaw No. 9619 (OCP06-0001) – Rose Enterprises Ltd. (Doug Clark) – Richter Street – THAT Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Parcel A (KV157498) District Lot 14, O.D.Y.D. Plan 5291 and Lot 33 District Lot 14, O.D.Y.D., Plan 1141, located on Richter Street, Kelowna, B.C., from the single/two unit designation to the multiple unit residential – low density designation.

Staff:

- The OCP amendment and rezoning are required to accommodate a proposal to consolidate the two lots and construct a four-plex facing Morrison Avenue.
- The subject properties were under application for RU6 zoning a couple of years ago for one duplex and one single family dwelling with a carriage house. Staff did not support the application. Now there would be four dwelling units on the site which is why staff now recommend support.
- Displayed building elevation drawings noting staff would continue to work with the applicant to try to break up the mass of wall and the detail around the openings of the building.
- The Advisory Planning Commission recommends support.

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

- letter of concern from Matthew Barlow and Jim Cooke, 604 & 548 Francis Avenue.

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

Doug Clark, applicant:

- The units are being built primarily for individuals with special needs. There are no stairs.
- The proposed design allows for a court yard and better sighting and there would now be four titles where there would have only have been three titles plus a legal suite under RU6 zoning.
- The units would be strata titled.

Jim Cooke, 548 Francis Avenue:

- Also representing his next door neighbour, Matthew Barlow. Read the letter that was jointly submitted to the City advising that they have no difficulty with the rezoning and they support four strata titled units on the property. Their concern is that at some point the units could be sold and rented in a similar manner as an existing duplex property on their street which contrary to City bylaws is being operated as a four dwelling rental property.

Paul Van Gemst, 645 Francis Avenue:

- Concerned about the density. Four dwellings are fine but would not want to see that expand to 8 or 10 in future.
- There are already quite a few carriage homes on the block and the lane is not paved.
- He uses the lane to access his parking at the rear of his property. Getting access onto Pandosy from the lane is difficult because of restricted sightlines and so he uses Richter Street. Concerned that with this development the Richter Street sightline could also be impaired.

There were no further comments.

3.4(b) 2480 & 2490 Richter Street

- 3.4(b) Bylaw No. 9620 (Z06-0012) – Rose Enterprises Ltd. (Doug Clark) – Richter Street - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Parcel A (KV157498) District Lot 14, O.D.Y.D. Plan 5291 and Lot 33 District Lot 14, O.D.Y.D., Plan 1141, located on Richter Street, Kelowna, B.C. from the P4 – Utilities zone to the RM1 – Four Dwelling Housing zone.

See discussion under 3.4(a).

4. TERMINATION:

The Hearing was declared terminated at 7:27 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am