

Public HearingAugust 22, 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, August 22, 2006.

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

Council members absent: Councillors B.D. Given 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; Community Planning Manager, T. Eichler*; Development Planner, N. Wight*; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:01 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 August 4, 2006, and by being placed in the Kelowna Daily Courier issues of August 14 & 15, 2006 and in the Kelowna Capital News issue of August 13, 2006, and by sending out or otherwise delivering 463 letters to the owners and occupiers of surrounding properties between August 4 - 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 **358 Cadder Avenue**

- 3.1 Bylaw No. 9652 (Z06-0040) – Chris Young and Nadia Spokarek (Peter J. Chataway) – Cadder Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, D.L. 14, ODYD Plan 3514, located on Cadder Avenue, 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 convert a recently constructed accessory building into a secondary suite. The building was designed on the premise so that it could be zoned for the 's' designation in future.
- The application is in compliance with City Planning policies.

Public HearingAugust 22, 2006

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

- 10 form letters from residents of the area all expressing no concern with the application
- letter from Roland Clark, 363 Burne Avenue, who also sent one of the form letters.

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

Peter Chataway, applicant:

- The building was built as an accessory building without a kitchen. The purpose of this application is to get the 's' zoning to now allow for a kitchen.
- Laneway housing allows for increased density/affordability, social interaction between children and grandparents, and integrates well with neighbourhood as an alternative to sprawl and highrises.
- The application meets City planning policies, and both the Kelowna South-Central Association of Neighbourhoods and the Community Heritage Commission have passed a motion of support.
- Council approved a similar project on Park Avenue a few months ago. In this case the front house will be upgraded instead of torn down.
- A lot of the services to the old building have been upgraded because of this building.
- Showed photos of the existing front house which will be upgraded to the standard of the new building in the rear.

Jackie Fierbach, 369 Burn Avenue:

- Her back yard looks onto this carriage house which in her opinion is beautiful and has enhanced the back alley. The owners are wonderful people and she totally supports the rezoning.

Dave Thomas, 343 Cadder Avenue:

- Lives across the street. It is nice to have a small child in the front house and the owners are friends. Echoed the support of the previous speaker.

There were no further comments.

3.2 1886 Ambrosi Road

- 3.2 Bylaw No. 9653 (Z05-0082) – Bogdan Snarski and Benedicte Lee (Canwest Design and Drafting Ltd.) – Ambrosi Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone.

Staff:

- The applicant is proposing to develop the site with a 3-storey mixed use commercial/residential development.
- The residential units would be split between the second and third floors.
- The Advisory Planning Commission supported the rezoning but not the Development Permits because of concerns about form and character and the proposed variances.
- Staff have been working with the applicant to change the form and character because it is not in keeping with what has occurred on that street; the applicant chose to proceed to Council despite staff's recommendation for change.

Public HearingAugust 22, 2006

- The proposed project would require four variances: a height variance from 2.5 to 3 storeys; a variance to the maximum allowable projection into a side yard setback to facilitate a stairwell along the north side of the building, a variance to the length requirement for a parking stall abutting a lane, and to vary the requirement for one commercial loading space.
- Staff generally support the rezoning and the proposed mixed use concept for the site.
- The requirement for 10 on-site parking stalls would be met.

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

- letter of concern from Chuck & Wendy Steele, 1885 Ambrosi Road
- letter of concern from Paul Hettinga, 501-1895 Ambrosi Road

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

John Schlosser, applicant:

- There is already C5 zoning on the block.
- Does not understand the concern about form and character; the street is rather eclectic and the proposed design does not really vary from that. Showed photos of other buildings on the street to support that.
- The zoning bylaw states the height shall be no more than 2 storeys or 19 m to height of roof. The proposed building meets the height requirement facing Ambrosi; it is just in the rear that the variance is required. The proposed stairway on the north side is an exit stair and is similar to the exterior stair on an adjacent building. The dimensions work for the small car space on the southeast corner of the site plan, it is because of the angle that the variance to the length of the stall is required. The parking that is under the building could be used for loading.

Wendy Steele, 1885 Ambrosi Road:

- Concerned about parking. They say there will be 10 on-site stalls but it looks like there would only be 4 stalls.
- Opposes all the commercial across from the residential homes and the lack of parking stalls for the commercial businesses. They each have 2 to 3 parking stalls and the residents have to put up with people parking in and across their driveways. Several of the residents have businesses in their homes and have to park on the street in order to have customer parking. People park every and anywhere and often the street is full and people are double parking.
- Urged Council to make sure there is enough on-site parking for the employees and the customers because there is no more room on the street.

John Schlosser, applicant, continued:

- The proposed parking meets bylaw requirements.

There were no further comments.

3.3(a) 1459 & 1469 KLO Road

- 3.3(a) Bylaw No. 9646 (OCP05-0015) – Witmar Developments Ltd. (Witmar Holdings – Walter, Tony and Albert Weisstock) – KLO 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, District Lot 131, Plan 13798, O.D.Y.D. except Plan KAP79224, and Lot 2, District Lot 131, O.D.Y.D. Plan 13798 except Plan KAP79225, located on K.L.O. Road, Kelowna, B.C., from the multiple unit residential (low density) designation to the multiple unit residential (medium density) designation, as shown on Map “A” attached to the report of Planning & Development Services Department dated June 30, 2006.

Staff:

- The applicant is proposing to create 224 apartment housing units in four buildings. The buildings would be 4-storeys above 1 storey of slightly below grade parking that would be disguised by backfill material. Showed building elevations and cross sections noting the southern half mirrors the northern half. Showed artist's renderings from KLO and from the west. The proposed landscape plan includes two ponds.
- Of the 224 units proposed, 12 would be affordable housing.
- The Advisory Planning Commission supported the OCP amendment and rezoning application.
- Staff do not recommend support on basis that the proposal is inappropriate development for the location not just in density but also in form. The City's Financing Strategy and Servicing and Growth strategy are based on the land uses in the OCP today, and departures on a cumulative basis can have a substantial impact. When looking for implications staff look at the number of units allocated to a sector of the city. There has been considerable interest in building activity in this sector of the city and the sector is close to reaching the 20-year growth projection within the first 5 years of the OCP. Cannot in good conscience recommend support for this application because of concern that if approved, this would not be the last application for land use designation changes in the area. Need to consider impacts as part of the 5 year OCP review process and make sure financing is in place to meet land use designation needs. Providing for roads and parks after the fact tends to be more expensive. The units need to be located where the services are being provided.
- Extension of Burtch Road to Benvoulin Road is scheduled sometime between 2011-2015. Bothe is a collector road and will extend from Lanfranco to link in with Burtch Road. Bothe is not a DCC road so it will be constructed from development. Initially access to the subject property would be off KLO Road but in the long term that access would be closed and relocated to Bothe Road. Could consider continuing with right-in/right-out from the site onto KLO. A traffic impact study was not required because KLO at the moment is the only potential access and the number of trips generated in peak hours is not anticipated to be a problem.
- Based on guidelines staff have been using over the last five years or so for determining an amount of affordable housing in return for a density bonus, the expectation would be for half of what they are getting to come back in affordable housing. For this project, 224 units are proposed under RM5 zoning; RM3 zoning would generate about 160 units. Based on the guidelines, half of the additional 64 units should be affordable; in this application only 12 are proposed. The developer is positive about providing rental housing and managing the rental housing himself through the Housing Agreement. It is disappointing that the number of units are low based on the formula being used, but good that the affordable housing would be rental units that would be held in perpetuity.

Public HearingAugust 22, 2006

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

- Two letters of concern from Arnold Frank, 1429 KLO Road, one is a follow-up to a letter submitted and circulated at the August 8, 2006 Public Hearing.
- Letter of concern from Anna Whittingham and Thomas Cocar, 1599 KLO Road.

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

Tom Smithwick, agent to applicants:

- The Weisstock family has been in Kelowna since 1969 and their primary focus has been rental housing of which there is not a lot in Kelowna. The family is also known for their high quality developments and they have won awards for landscaping in their projects.
- The proposed development would be a sale project, not a rental project. The applicant's intend to use the proceeds from this development to do more rental housing in future.
- Circulated an artist's rendering of the project.
- The subject property is 6 acres in size. Immaculata School is adjacent; the school playfield will be an amenity for the development and the 4 storeys of units looking down on the school will be eyes to protect the school from vandalism.
- KLO Road, Gordon Drive and Benvoulin Road have all been 4-laned so the roads can accommodate the increase in density.
- The building would be 6 inches taller than the RM4 zoned 'Good Samaritan' buildings across the KLO Road.
- The subject property is long and narrow so the four buildings would be angled to create a sense of meandering throughout the site. The proposed landscaping along the westerly boundary includes two pond areas and the internal roadway would snake through the property in and out of landscaping.
- A 5 m wide public pathway would be created on the westerly boundary. The pathway would undulate through snakelike and enable benches close to the ponds. If that occurred on the adjacent property to the west then this could be doubled in size or more. The pathway leads to the Fascieux Creek riparian area to the south.
- Displayed photos of other existing buildings to show the Weisstock way of landscaping and why they are winning awards. Showed the proposed landscaping that would cover the parking garage noting about half of the subject property would be covered with ponds and green space.
- The buildings would be 3 storeys at either end to allow for more open view corridors. The majority of parking would be completely below building. Access to the underground parking garage would be at the ends of the buildings, visually hidden from the street.

Wilf Lund, project architect:

- The roof of the parkade for the building adjacent to KLO Road would be somewhat lower than KLO and each building drops down lower and lower moving to the south. The main floor of the building should be at or just below the KLO Road elevation.

Tom Smithwick, applicant, continued:

- Allowing the higher density through bonusing will help pay for the affordable units. Requiring 32 affordable units would not be realistic; all the profit would go into the 32 units.
- The development would not be age restricted, nor would it be a walled community. There would be an Iron fence with a decorative gate to create an entry way; the gate would be welded open to allow access to the 5 m public right-of-way.
- Development at the RM3 density would be a waste of the site.

Michael Detmers, 3259 St. Amand Road:

- Works in the construction industry and builds similar type projects.
- People standing on the curb on KLO Road will see a 60 ft. high 200 ft. long wall.
- There is an elevation slope of the lay of the land across KLO so the Good Samaritan development is lower.
- The proposed driveway layout is too tight for the Fire Department to fight a fire efficiently.
- The ultimate site access from Bothe Road should be required now.
- Since KLO Road was 4-laned vehicles speed; it took him 5 minutes to make a left turn onto KLO Road tonight.
- Should start with development at one end and work along logically rather than starting in the middle.

Staff:

- The applicant would be required to construct a hard surface road to provide emergency access from St. Amand Road to the southern end of the subject property. The strip road behind the school would be an access, not a finished road.

Kim Callaway, 302-3193 Walnut Road:

- Has been a tenant of projects owned by the Weisstocks off and on since 1993. Can attest to how responsible this family is. The dozen affordable units they are proposing will be 12 more than there is now. Urged Council to consider this application favourably.

Wendy Bosma, 3249 St. Amand Road:

- Asked what assurance the residents would have that the St. Amand road access would only be an emergency access and wondered if any consideration has been given to children's safety with no age restriction on the development and open access to the ponds.

Staff:

- The emergency access would be developed to an all weather standard and would be gated.

Tom Smithwick, applicant:

- Nothing to add at this time.

There were no further comments.

3.3(b) 1459 & 1469 KLO Road

- 3.3(b) Bylaw No. 9647 (Z05-0066) – Witmar Developments Ltd. (Witmar Holdings – Walter, Tony and Albert Weisstock) – KLO Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 131, Plan 13798, O.D.Y.D. except Plan KAP79224, and Lot 2, District Lot 131, O.D.Y.D. Plan 13798 except Plan KAP79225, located on K.L.O. Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM5 – Medium Density Multiple Housing zone.

See discussion under item 3.3(a) above.

Public Hearing

August 22, 2006

4. TERMINATION:

The Hearing was declared terminated at 7:40 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am