

Public HearingSeptember 19, 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, September 19, 2006.

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

Council members absent: Councillors A.F. Blanleil and B.A. Clark.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg; Acting Manager of Development Services, S. Gambacort; Development Planner, R. Smith; 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 September 1, 2006, and by being placed in the Kelowna Daily Courier issues of September 11 & 12, 2006, and in the Kelowna Capital News issue of September 10, 2006, and by sending out or otherwise delivering 692 letters to the owners and occupiers of surrounding properties between September 1 - 5, 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 4427 Gaspardone Road

- 3.1 Bylaw No. 9659 (Z06-0042) – Darren and Dana Marchant – Gaspardone Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Sec. 24, Twp. 29, ODYD, Plan KAP74510, located on Gaspardone Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone.

Staff:

- The property is on the corner of Gaspardone and Bulldock Roads.
- The applicant is proposing to construct a new home and convert the existing residence which is over a garage into a suite.

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.

Darren Marchant, applicant:

- Nothing to add at this time.

There were no further comments.

3.2(a) 1094 Lawson Avenue

3.2(a) Bylaw No. 9664 (OCP06-007) – 0701849 (Herman Planning Group Inc.) – Lawson Avenue – 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 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, 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 July 28, 2006.

Staff:

- The property is on the northwest corner of Gordon Drive at Lawson Avenue.
- The applicant is proposing to develop the site with a 3.5 storey, 12-unit apartment building with 20 underground parking stalls and 2 parking stalls at-grade.
- A Development Permit and Development Variance Permit would also be required.
- The applicant was unsuccessful in attempts to acquire the adjacent lot to the north for a consolidated development. As a stand alone property, the adjacent lot can still accommodate a 4-plex style development.
- Staff’s support of the application is based on the applicant’s agreement to enter into the Housing Agreement for an affordable housing component. In this case half of the bonus in floor area ratio equates to about 1,200 sq. ft. and the applicant is proposing to provide that in one unit.

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.

Jim Herman, J. Herman Group, applicant:

- Gave a PowerPoint presentation expanding on the proposal.
- There is existing RU6 zoning to north, east and west and RM5 zoning to the south. The 16-storey Centuria building is kiddie corner.
- The 4 main floor units would all have individual access to the street.
- The height is considered to be 3.5 storeys to allow the parkade to be partly above ground due to the high water table. The site would be extensively landscaped with berming up to the top of the parkade ceiling and around the perimeter of the building.
- The proposed building offers good transition from the Centuria and the single family homes kiddie corner to the tower.
- Was under the impression that they were only required to provide 800 sq. ft. of affordable housing. There is an extra parking stall so they could do two smaller studio units instead of one larger unit. Will work that out with City staff.

There were no further comments.

3.2(b) 1094 Lawson Avenue

3.2(b) Bylaw No. 9665 (Z06-0028) – 0701849 BC Ltd. (Herman Planning Group Inc.) – Lawson Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone.

See discussion under 3.2(a) above.

3.3 1366 Kloppenburg Road

- 3.3 Bylaw No. 9667 (Z06-0023) – Steve and Lindsay Fenwick – Kloppenburg Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Section 13, Township 26, O.D.Y.D. Plan KAP80103, located on Kloppenburg Road, Kelowna, B.C. from the RU1h – Large Lot Housing zone (Hillside Area) to the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone.

Staff:

- The property is in the Kirschner Mountain area of the city.
- The applicant is building a single family dwelling and would like to develop the lower portion as a suite.

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.

There were no further comments.

3.4(a) 644 Lequime Road

- 3.4(a) Bylaw No. 9660 (OCP06-0012) – Rancar Services Ltd. (Randy Villeneuve) – Lequime Road – THAT *Kelowna 2020* - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot A, Section 6, Township 26, ODYD Plan 24496, located on Lequime Road, Kelowna, B.C., from the Multiple Family Residential – Low Density designation to the Multiple Family Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department dated August 2, 2006.

Staff:

- The property is on the north side of Lequime between Gordon Drive and Lakeshore Road.
- The applicant is proposing to develop the site with a 3.5 storey, 22-unit condominium development. The first storey, half of which would be below grade because of the high water table, would be a 36 stall parkade accessed from a drive aisle off Lequime Road.
- The building would be stepped back above the second storey and each unit would have access to a rooftop amenity area.
- The applicant has committed to provide one unit of affordable housing protected by a Housing Agreement. In this case, the affordable housing component worked out to about 672 sq. ft. or 1 unit of affordable housing.
- A Development Variance Permit would be required to allow for the additional half storey building height.

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

Letters of Opposition

- Anglea McManus, #200-688 Lequime Road
- Jack & Sylvia Wardill, #204-680 Lequime Road
- John Downes, #107-680 Lequime Road
- Lyle Henderson, #203-680 Lequime Road
- J.P. Babcock, #411-688 Lequime Road
- Cindy Henderson, #203-680 Lequime Road
- Laura Cull, #409-688 Lequime Road
- Sandy & Patrick Metcalfe, #407-680 Lequime Road
- James Hooley, #308-680 Lequime Road
- Terry Horan (Address not provided)
- Helen Sichevski, #202-680 Lequime Road
- Sjenta Wilkinson, #306-680 Lequime Road
- Vickie Anderson, #304-680 Lequime Road
- Elaine Lovecky and David Shearing, #205-680 Lequime Road
- Rose & Dave Parker, #205-634 Lequime Road
- Donna Nicol, #311-634 Lequime Road
- Roy & Beverly Mutter, #309-680 Lequime Road
- Dan & Vera Berrie, #406-680 Lequime Road
- Keith Boyle and Linda Lugar-Boyle, #409- 680 Lequime Road
- Nancy & Paul Shearing, #205-680 Lequime Road
- Lorraine Milton, #302-680 Lequime Road
- Malcolm & Gloria Eagle, #305-680 Lequime Road
- Michael & Nancy Woodall, #306-680 Lequime Road

Petition of opposition bearing 11 signatures.

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

Staff:

- Explained that the affordable housing component depends on the difference between the floor area ratio (FAR) that would have been allowed under the existing zoning and the FAR that would be achieved with the proposed new zoning.

Randy Villeneuve, applicant:

- Has lived in the neighbourhood for 20 years and during that time watched the neighbourhood grow up around him.
- Did not hold a meeting with the neighbourhood but all the concerns raised at the Advisory Planning Commission meeting have been addressed.
- There is very little neighbourhood opposition; 23 letters out of 336 homes is not bad.

Gloria Eagle, 680 Lequime Road, #305:

- Objects to the rezoning.
- Did due diligence before purchasing their condo 1½ years ago, and determined that they were safe from rezoning because of the size of the lot.
- Concerned about the shadowing effect on her building. She suffers somewhat from light deprivation during winter months and so they paid a little extra to be on the third floor of the building in order to have more light.

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- The development notice sign was not posted on the property until June 28th so the requirement for 10 days notice was not met. She mentioned this at the July 4th APC meeting and there was some excuse about communication problems. They also attended the August 21st Council meeting when this application was advanced to Public Hearing. From both meetings, got the impression that as long as increased parking, increased density, etc. was included the new zoning would be automatically approved.
- There are approximately 336 homes with vehicles exiting onto Lequime Road. Adding to the number of cars using the road is of concern.
- Concerned that the outside parking for this building will not be adequate and the residents will end up using some of the 28 outside parking stalls at her building.
- Concerned that the underground parking stalls in the proposed building are only 7 ft. wide.

Staff:

- Confirmed that there was miscommunication between the applicant and staff about posting the development sign on the site. However, the APC decided that the neighbours had sufficient notification and that those who wanted to be there were and opted to hear the application that night anyway.
- Anticipate that the shadowing affect would be minimal. The total distance between the buildings would be at least 15 m or just over 45 ft.

Beverly Mutter, 680 Lequime Road, #309:

- It is the outdoor parking they are concerned about. Three stalls are not adequate for the number of apartments and there is only room for one car in front of the proposed building. If the visitors do not have access to the under building parking, there will be parking on Lequime Road or they will park in the on-site stalls for her building.
- Displayed photographs noting it is difficult to turn right to go toward Lakeshore because of the parking on the street. Also the street is a very short road that is almost completely a school zone.

Randy Villeneuve, applicant:

- He was also concerned about parking when the area built up around his property. The problem was bad at one time but one can drive the road anytime now and there is no problem.
- Given the distance between buildings, shadowing should not be a problem.
- Intends to have guest parking underground as well as outside.

There were no further comments.

3.4(b) 644 Lequime Road

- 3.4(b) Bylaw No. 9661 (Z06-0034) – Rancar Services (Randy Villeneuve, Rancar Services Ltd.) – Lequime Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 6, Township 26, ODYD Plan 24496, located on Lequime Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing zone to the RM4 – Transitional Low Density Housing zone.

See discussion under 3.4(b) above.

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3.5 1342 Shaunna Road

- 3.5 Bylaw No. 9666 (Z06-0049) – 0714422 BC Ltd. (Acorn Communities Ltd.) – Shaunna Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Parcel Identifier: 003-513-076 Lot C Section 18 Township 27 Osoyoos Division Yale District Plan 32142, located at 1342 Shaunna Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU2 - Medium Lot Housing zone.

Staff:

- The original application was considered by Council on August 8th. The subject property had to be removed and come forward separately as a result of an advertising error.
- This application is for the one lot that would have direct access off Shaunna Road.

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.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:06 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am