

Public HearingNovember 13, 2007

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 13, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Brian Given and Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Supervisor, Shelley Gambacort; Manager, Policy, Research and Strategic Planning, Signe Bach; Planner, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 26, 2007, and by being placed in the Kelowna Daily Courier issues of November 5, 2007 and November 6, 2007, and in the Kelowna Capital News issue of November 4, 2007, and by sending out or otherwise delivering 484 letters to the owners and occupiers of surrounding properties between October 26, 2007 and October 31, 2007.

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 (a) Bylaw No. 9875 (OCP07-0016) – Katherine Schramm et al (Canadian Adult Communities) – 1255, 1265-1269, 1275, 1285, 1295 Gordon Drive and 1254, 1262-1264, 1274, 1284, 1290 Pheasant Street
 THAT OCP Bylaw Amendment No. OCP07-0016 to amend Map 19.1 of the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lots 1, 2 & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D, Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing "Single/Two Unit Residential" designation to the proposed "Multiple Unit Residential – Medium Density" designation **not** be approved by Council.

Staff:

- The negative staff recommendation is being brought forwarded based on the following:

Public HearingNovember 13, 2007

- the proposal does not comply with the OCP growth Strategy and Financing Plan;
- the development does not provide affordable housing and lessens the chances of future affordable housing;
- the development is not within the Town Centre and negatively impacts adjoining properties; and
- the proposal threatens the City's growth strategy.

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

- Letters of Support:
 - Gerhard & Lisa Kasdorf, 384 Uplands Court
 - A package of letters of support signed by approximately 56 residents and business owners in the surrounding area – submitted by the applicant
 - CMHC's 2007 Senior Housing Market Survey – submitted by applicant
- Letter of Concern:
 - Jim Grindlay, Coronation Avenue

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

Applicant's Representative, Ed Hall

- Aware that the development did not meet the OCP.
- Advised that the Advisory Planning Commission supported the proposal.
- Sandalwood, Missionwood and Westwood are previous projects that the applicant has already completed.
- Feels that a seniors' residence in a residential neighbourhood is a good place.
- Strong support from the local neighbourhood.
- The churches and the business community in the area are also very supportive.
- Believe affordable housing is being created, but that it is just in the form of affordable rents with all-inclusive services.
- There is a 2% vacancy for seniors' rental housing in the City and there are no other seniors' rental housing developments being proposed for Kelowna other than this proposal.
- The units do not have cooking facilities and cannot be stratified; therefore will always remain as rental units.
- Have been actively in the market place for the last year in searching for a suitable site for this type of development.
- A development like this will employ 40 – 45 full and part-time employees (most entry level).
- Would be agreeable to figuring out a way to ensure that the rental rate would not increase in the future at least not more than the "cost of living" (CPI ceiling calculation).

Gallery:

Jake Thiessen, District of Lake Country, Representative for First Mennonite Church, 1305 Gordon Drive

- Supportive of the development, the amendment to the OCP and the rezoning.
- Concerned about the lack of parking for the project though.

Ken McLachlan, Commercial Realtor with Re/Max Commercial, Representative for St. Pias Catholic Church, 177 Fuller Avenue, and the Ukrainian Catholic Church

- Fully supportive of the amendment to the OCP and the rezoning

Public HearingNovember 13, 2007Joanne Zebroff, 1301 Pheasant Street

- Is employed as a senior's health care worker.
- Concerned about the density and the affordability of the units as she does not feel it will meet the needs of seniors or that it will be affordable.

Mark Theobald, 1295 Wilson Avenue

- In favour of the development.
- Resident of the neighbourhood for 14 years.
- The neighbourhood is in dire need of revitalization.
- Feels that mix of residents is good for the area.

Attilio Gemin, 1105 High Road

- Concerned about the height of the development.
- Have not been notified of any meetings between the developer and the neighbourhood.
- Concerned about access of off Gordon Drive.
- Not opposed to the development, just concerned about some of the variances that may be required.

Staff:

- The Wilson Avenue lift station is currently at capacity and it needs to be upgraded in order to accommodate this development. The applicant is only providing a portion of the funds required to upgrade the lift station.

Applicant's Representative, Ed Hall

- The Residential Tenancy Act is being amended to include seniors' rental housing and there may be protection under the Act to ensure that the rents will remain affordable.
- The concern of the neighbours to the north will be addressed as the developer is proposing an extended side yard set back to create green space between the properties.

There were no further comments.

- 3.1 (b) Bylaw No. 9876 (Z07-0050) – Katherine Schramm et al (Canadian Adult Communities) – 1255, 1265-1269, 1275, 1285, 1295 Gordon Drive and 1254, 1262-1264, 1274, 1284, 1290 Pheasant Street
 THAT Rezoning Application No. Z07-0050, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing RU6 – Two dwelling Housing and C1 – Local Commercial zones to the proposed RM5 – Medium Density Multiple Housing zone **not** be approved by Council.

See Item 3.1(a) above.

- 3.2 Bylaw No. 9877 (Z07-0071) – John & Terri Pratch – 644 Bonjou Road
 THAT Rezoning Application No. Z05-0071 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 357 and 358 S.D.Y.D. Plan 19937, located on Bonjou Road, Kelowna, B.C. from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing, be considered by Council;

Staff:

- Planning staff do not consider this property to be a panhandle property configuration.

Public HearingNovember 13, 2007

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

- Letters of Opposition:
 - Carol Enns, 4580 Bonjou Road
 - Mark & Liane Ranger, 4565 Bonjou Court
 - Bruce Fromhart & Jodi Reed, 4563 Bonjou Court
 - Joan Lailey & Dan Sanson, 4583 McClure Road
 - Tracy & George Meikle, 4554 Bonjou Court
 - Derril & Jennifer McKenzie, 4574 Bonjou Court
 - Kevan & Cary Kruger, 639 Bonjou Road
 - Ross & Zoe McCall, 629 Bonjou Road
- Petition of Opposition:
 - November 2007 Petition signed by 30 residents of the area surrounding 644 Bonjou Road
 - August 2007 Petition signed by 24 residents of the area surrounding 644 Bonjou

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

Applicants, John & Terri Pratch

- Will move into the new residence being constructed and will sell the current residence as a strata unit.
- Believes the development will have a positive impact on the neighbourhood.
- Have lived on the property just over a year.
- Understands the concern of the neighbours as they have had discussions with them.
- Knew about the neighbourhood concerns for redevelopment in the area prior to buying the property.
- The property is currently under construction transition pending the result of this rezoning application. If the rezoning does not happen, then the design plans will have to change.

Gallery:

Mark Ranger, 4564 Bonjou Court

- Have lived there for about 4 years.
- Has not spoken to the homeowner about the development plans.
- There is 100% opposition in the neighbourhood with the exception of 2 properties within 100 metres.
- Concerned that there won't be any DCC's received to help with infrastructure.
- Feels that this is a panhandle lot as it will restrict access to the back property.
- There is no affordable housing component.
- This does not benefit the surrounding neighbourhood.

Kevan Kruger, 639 Bonjou Road

- Very much opposed to this development.
- The servicing to Bonjou Road is currently not up to standard and the infrastructure just isn't there.
- Would transform the lot and the neighbourhood way too much.
- Concerned that his property value will decrease.

Jennifer McKenzie, 4574 Bonjou Court

- Very much opposed to this development.
- Feels her property value would decrease.
- Feels that fire access is a concern.
- This will set a precedent for further RU6 rezonings in the area.

Public HearingNovember 13, 2007Ross McCall, 629 Bonjou Road

- Opposed to the development.
- Concerned about safety issues.

Chad Pratch, Son of Applicants

- In favour of the rezoning.

Carol Enns, 4580 Bonjou Road

- Opposed to the rezoning as it does not fit in with the neighbourhood.
- Opposed to the RU6 zoning in particular.

George Meikle, 4554 Bonjou Court

- Opposed to the development due to the higher density proposed.

Applicants, John & Terri Pratch

- The new residence would be located between the 2 homes adjacent to it on Bonjou Court.
- Did ask the neighbours what they would like to see done to the driveway to encourage privacy.
- Will work with the Fire Department to ensure that the safety concerns are addressed; however they have not spoken with the Fire Department at this time.
- Would be open to any landscaping that may be required (cedars, privacy fence, cedars and a privacy fence).

There were no further comments.

3.3 Bylaw No. 9882 (Z07-0057) – Ursula Jakubeit (BC Life Builders Rehabilitation Society) – 2473 Ethel Street

THAT Rezoning Application No. Z07-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 136, Plan 30919, located at 2473 Ethel Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6b – Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

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

- Letter of Support:
 - Luke Stack, Society of Hope, 882 Francis Avenue
- Letter of Opposition:
 - Davy Janko, Families of Janko & Isaak, Grenfell Road

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

Gallery:

Renate Busch, 2529 Ethel Street

- Concerned about the people that will be living in the property.
- Lived in the neighbourhood since 1979.

Applicant's Representative, Tom Smithwick

- The same people who are currently living there will continue to live in the home.
- They are people of all ages with physical or mental handicaps.
- The property was leased and now the applicant wants to purchase it and this rezoning is required in order to have the property comply.

There were no further comments.

Public Hearing

November 13, 2007

3.4 Bylaw No. 9883 (HRA07-0001) – Country Cottage Gifts & Décor Ltd. (Peter Chataway) – 763 Bernard Avenue

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 15, Block 15, District Lot 138, ODYD, Plan 262, located at 763 Bernard Avenue, Kelowna, B.C., in the form of such agreement attached to the report from the Planning & Development Services Department dated October 4, 2007 as “Schedule A”.

The Deputy 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's Representative, Peter Chataway

- Have additional letters in support of this application.
- Confirmed that setbacks that will be required.
- There is a request to have the property given a heritage designation.

Gallery:

Cecile Clyne, 749 Bernard Avenue

- Fully supportive of the application.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 9:50 p.m.

Certified Correct:

Mayor

Deputy City Clerk

/slh