

Public HearingJuly 8, 2008

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, July 8th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre. Blanleil, Barrie Clark, Brian Given, Carol Gran, Robert Hobson, and Michele Rule.

Council members absent: Councillors Colin Day and Norm Letnick.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort; Current Planning Supervisor, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* 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 June 20th, 2008, and by being placed in the Kelowna Daily Courier issues of June 30th, 2008 and July 1st, 2008, and in the Kelowna Capital News issue of June 29th, 2008, and by sending out or otherwise delivering 558 letters to the owners and occupiers of surrounding properties between June 20th, 2008 and June 25th, 2008.

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 Bylaw No. 10014 (Z08-0043) – Cary Cook & Johanne Chevalier-Cook – 2110 Burtch Road - THAT Rezoning Application No. Z08-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 49, Sec. 19, Twp 26, ODYD, Plan 25943, located on Burtch Rd., Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council.

Staff:

- Advised that the rezoning is required in order to legalize the existing suite.
- Confirmed that the parking provided meets the requirements of the requested zoning.

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

- Letter of Opposition:
 - Syd & Shari Berisoff, 2107 Kaslo Court

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The applicant was not present in the gallery.

Public HearingJuly 8, 2008

Gallery:

Syd Berisoff, 2107 Kaslo Court

- Owns the property directly behind the subject property and is opposed to this application.
- Concerned about parking issues in the neighbourhood.

It was noted that the applicant was now present; therefore, Mayor Shepherd invited the applicant to come forward.

Carey Cook, Applicant:

- Just bought the property this year and wants to rezone it in order to legalize the existing suite.
- Confirmed that the City's Inspection Services Department has inspected the property and have provided comments.

There were no further comments.

- 3.2 Bylaw No. 10016 (Z08-0016) – Mine Hill Estates Ltd.,/(D.E. Pilling & Associates Ltd.) – 1230 Loseth Drive - THAT Rezoning Application No. Z08-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 14 Section 13 Township 26 Osoyoos Division Yale district Plan KAP82094, located on Loseth Drive, Kelowna, B.C. from the A1 – Agriculture 1 Zone to RU1h – Large Lot Housing (Hillside) Zone as shown on Map “A” attached to this report of Planning & Development Services Department, dated May 28, 2008, be considered by Council.

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.

Gallery:

Dave Koivukagas, 1236 Loseth Drive

- Does not have any issues with the rezoning, but is currently having difficulty with the owner as development on the property is affecting his adjoining property.

There were no further comments.

- 3.3 Bylaw No. 10017 (Z08-0032) – Parminder S. Hans/(Protech Consultants Ltd.) – 890 Kitch Road - THAT Rezoning Application No. Z08-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14 Section 22 Township 26 Osoyoos division Yale District Plan 19576, located at 890 Kitch Road, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU6 – Two Dwelling Housing Zone be considered by Council.

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. No one came forward.

- 3.4 Bylaw No. 10030 (LUC08-0001), Bylaw No. 10028 (OCP08-0005), Bylaw No. 10029 (Z08-0022) – Anna Rehlinger, Anthony Rehlinger, Bibiana Lahay, Mary Rehlinger/(Pace Setter Developments) - THAT OCP Bylaw Amendment No. OCP08-0005 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A, Sec. 4, Twp 23, ODYD, Plan 30013, located on Cross Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation be considered by Council;

AND THAT Council considers APC public process, to be appropriate consultation for the purpose of section 879 of the *Local Government Act*, as outlined in the report of the Planning & Development Services Department date May 29, 2008;

AND THAT Rezoning Application No. Z08-0022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 4, Twp 23, ODYD, Plan 30013, located on Cross Road, Kelowna, B.C., from I2 – General Industrial zone to the RM3 – Low Density Housing zone be considered by Council.

Staff:

- Confirmed that the applicant has been working in cooperation with the Planning Department.

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

- Letters of Opposition:
 - Brian Heichert, 2046 Aster Road
 - Leslie Rialland & Jason Stotz, 213 Marigold Crescent
 - Doug & Audrey Smith, 2053 Aster Road
 - Don & Bev Veitch, 245 Marigold Crescent
 - Ronda & Ken Yuen, 211 Marigold Crescent (*Petition with 44 signatures*)
- Letters of Support:
 - Art & Linda Scheffler, 841 Curtis Road
 - Caroline Blais, 109 – 245 Glenmore Road
 - Barb Turner, 101 – 160 Celano Crescent
 - Judy Shoemaker, School District #23, 685 Dease Road
 - W.N. Bloomfield, 224 Marigold Crescent
 - Ardith Munro & Laurie Bauer, 1870 Porthill Drive
 - A.J. Weisbecker, East Kootenay Realty, 25 – 10th Avenue South, Cranbrook, BC
 - Bibiana LaHay, 218 Valley Road
 - Anthony Rehlinger, 218 Valley Road

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

Endre Lillejord, Pace Setter Development, Applicant:

- Advised that this application deals with a senior's care development.
- It is his belief that this type of facility does very well in a residential area and allows the seniors to remain in an area where they may have lived their entire life.
- Worked closely with the Planning Department to develop this project.
- Held a public meeting on April 17th with the residents in the area.
- Advised that both the Church and the School in the area support the development and are trying to work with the residents to address all of their concerns.

Public HearingJuly 8, 2008

- Have tried to address the parking concerns; however City staff were not in favour of the changes that were proposed.
- The landscape buffer along the west side of the property has been increased (3m buffer) and a decorative fencing along the property line is being proposed in order to shield the adjoining properties from any noise or disturbance.
- Confirmed that the light standards have been lowered.
- The project was redesigned to accommodate a requested reduction in the height of the buildings by the residents and confirmed that the building is approximately 60' away from the property line which should mitigate any type of towering effect from the property.
- There is no longer any access from Marigold Crescent. Access via Aster Road will be for emergency vehicles only.
- Have reached an agreement with the Church to share their access off of Valley Road; however City staff did not support that option.
- A geotechnical report indicates that underground parking will be difficult and costly to construct due to the underground streams on the site.

Council:

- Expressed a concern regarding the location of the garbage on the site and requested that other options be explored in order to mitigate any garbage issues such as pick up times and odour control.

Gallery:Bev Veitch, 245 Marigold Court

- Still concerned about the height of the building as it will have a "fish bowl" affect on her property.

Renee Baldwin, 276 Moubray Road

- Feels that the development would be beneficial to the area.
- Works for Interior Health Authority and feels that this type of facility is much needed.

George Keim, 210 Marigold Crescent

- The entrance way to the development is right next to his bedroom window.
- Opposed to the development.
- Suggested that access to the site should be off of Valley Road.

Brian Heichert, 2046 Aster Road

- Is opposed to the development.
- Concerned about garbage odour and parking.

Rosemary Paterson, 2054 Aster Road

- Suggested that without Phase 2, the parking and the garbage collection could be moved to that section of the site and the current proposed parking could be developed in to more green/open space.

Scott Harding, 2057 Aster Road

- Concerned about the parking lot being adjacent to his property.

Patty Heyfron, 2049 Aster Road

- Concerned about the location of the parking lot and the lack of buffering along the residential area.

Anthony Rehlinger, Original owner of the Property

- Have owned the property over the last 15 years.
- Feels that a senior's care facility would be a better use of the property than any of the uses allowed under the current I2 zone.
- Over the years, there has been a 20% reduction in the size of the lot due to the City's requirements for a road dedication.

Public HearingJuly 8, 2008Ken Yuen, 211 Marigold Crescent

- House sits right along the fence of the development.
- Not opposed to development or the concept of the senior's facility; however he is concerned about the design of the project, especially the parking lot location.
- Confirmed that if moving the parking lot was not an option, a berm with landscaping would have to be considered.

Ross Dickie, 220 Marigold Crescent

- Would like to see the parking located along Valley Road.

Donna Lommer, Representative, Interior Health Authority

- Confirmed that the Glenmore area is the preferred area for this type of facility.
- Preference is to be close to schools so that their integrated generational programs are easier to conduct.
- There is an immediate need of 75 beds with an additional number of beds required within the next 4 years.

Caleb Wong, 249 Drysdale Boulevard

- Not directly impacted, but what impacts this neighbourhood will impact his neighbourhood

Staff:

- The Planning Department is not aware of any changes to the roundabout that is being proposed for the area.

Endre Lillejord, Pace Setter Development, Applicant:

- It is likely that the project would not go forward if underground parking were a requirement.
- Agreeable to having access to the development off of Valley Road.
- Advised that the School District is supportive of this type of facility being located close to a school.

There were no further comments.

- 3.5 Bylaw No. 10031 (Z07-0082) – Bruckal Developments Corp./(New Town Architectural Services) – 443 Christleton Avenue - THAT Rezoning Application No. Z07-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot 14, ODYD, Plan 1335, located at 443 Christleton Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council.

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

- Letters of Opposition:
 - Robert Sperle, 410 Birch Avenue
 - Horst & Donna Jassmann, 422 Birch Avenue
 - Marilyn & Dennis Block, 331 Robin Way
 - Mr. Wayne M. and Dr. R. Robin Dods, 420 Christleton Avenue
 - Cheryl Gunn, 443 Christleton Avenue
 - Denzel Mohamed, 423 Christleton Avenue
 - Islam Mohamed, 423 Christleton Avenue
 - Lee, Spencer and Sierra Robinson & Joanne Mariutti, 461 Christleton Avenue
 - Shannon Ferch, 461 Birch Avenue
 - Piero Galvagno & Hilary Pada, 2425 Taylor Crescent
 - Pat Stewart, 2395 Abbott Street
 - Maurice Parfitt, 452 Christleton Avenue
 - Patricia Richardson, 406 Christleton Avenue

Public HearingJuly 8, 2008

- Chris & Gerry Lee, 460 Birch Avenue (*Petition with 105 signatures*)
- Dr. Dennis McGuire, 354 Christleton Avenue
- D. Nick Kuzak & Dr. Laura Shaw, 421 Birch Avenue
- Edward & Sheila Windmill, 450 Francis Avenue
- Leri Ferch, 461 Birch Avenue
- Letter of Support:
 - Karen Stewart & Harry Tonn, 350 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.

Steven Bruckal, Applicant:

- Believes that this development fits well within the existing and future neighbourhood.
- Have met with some of the neighbours, but have not had any public meetings.
- Have made changes to the initial design in order to incorporate the neighbourhood's concerns; however the neighbours were not given the opportunity to comment on the new design.

Gallery:Shannon Ferch, 461 Birch Avenue

- Concerned about traffic and parking issues.
- Feels that the ultra-modern design of the development does not fit in with the heritage aspect of the neighbourhood.

Levi Ferch, 461 Birch Avenue

- Concerned about traffic and parking issues.

Robert Ferch, 461 Birch Avenue

- Read letters from children in the neighbourhood who are opposed to the development.

Sheila Windmill, 450 Francis Avenue

- Opposed to the rezoning as she feels it will set a precedent for future applications in the area.
- Concerned about the increase in traffic and the negative impact on property values.
- Feels that the ultra-modern design of the development does not fit in with the heritage aspect of the neighbourhood.

Jo-ann McLellan, 432 Christleton Avenue

- Opposed to the proposal.
- Likes the heritage aspect of the neighbourhood and is concerned that the ultra-modern design of the development does not fit in.
- Concerned about parking.

Cheryl Gunn, 453 Christleton Avenue

- Opposed to the rezoning.
- Feels that the ultra-modern design of the development does not fit in with the heritage aspect of the neighbourhood.
- Concerned about traffic, parking and site layout.

Pat Richardson, 406 Christleton Avenue

- Have lived there since 1989 and is opposed to the rezoning.
- Expressed a concern regarding the purchase of homes in the area by the Interior Health Authority.
- Concerned about the duplication of the development in the area by the developer on other properties that he owns.
- Feels that the ultra-modern design of the development does not fit in with the heritage aspect of the neighbourhood.

Public HearingJuly 8, 2008Chris Lee, 460 Birch Avenue

- Opposed to the rezoning.
- Concerned about access to the site being proposed via the laneway.

Faith Peyton, 477 Christleton Avenue

- Have lived here for 30 years and is concerned about the rezoning, the setbacks and the density being requested.
- Feels that the ultra-modern design of the development does not fit in with the heritage aspect of the neighbourhood.

Jan Baldick, 2365 Abbott Street

- Opposed to the rezoning and feels that it will change the integrity of the neighbourhood.

Morio Tahara, 429 Christleton Avenue

- Have lived in the neighbourhood for 48 years and built his current house in 1987.
- Opposed to the design of the building as he feels that he will not have any privacy in his backyard (even with his 10' hedge) if the development occurs.

Dennis McGuire, 354 Christleton Avenue

- Bought his home 25 years ago.
- Opposed to the rezoning.
- Concerned about traffic and pedestrian safety.

Marietta Lightbody, 2302 Abbott Street

- Opposed to the rezoning.

Myles Bruckal, Developer, 2420 Abbott Street

- Have redesigned the development based on the neighbourhoods' concerns.
- Confirmed that this plan is very similar to another development he is currently building on the street.

Staff:

- Advised that any required variances will not affect the Christleton Avenue frontage as they only relate to Birch Avenue.

Jerry Lee, 460 Birch Avenue

- Opposed to the rezoning and development.
- Believes that the infrastructure cannot handle the increased density.

Dr. Hillary Pada, 2425 Taylor Crescent

- Requested clarification regarding what the OCP has designated for the area.

Robert Ferch, 461 Birch Avenue

- Opposed to the rezoning and is concerned that the developer will be targeting out-of-town owners.

Pat Richardson, 406 Christleton Avenue

- Read a letter from the owners of 434 Morrison Avenue noting their opposition to the rezoning.

Steven Bruckal, Applicant

- Feels that the people who will purchase these units will be interested in living in the area and preserving the integrity of it.
- Will upgrade any infrastructure that the City requires due to the increase in density.
- Wants to utilize the laneway in order to get the vehicles off the street.

There were no further comments.

Public Hearing

July 8, 2008

4. TERMINATION:

The Hearing was declared terminated at 10:20 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld