
CITY OF KELOWNA
MEMORANDUM

DATE: September 1, 2008

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION Z07-0082 / DVP07-0247 **APPLICANT:** New Town Architectural Services
AT: 443 Christleton Avenue **OWNER:** Bruckal Developments Corp.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING ZONE;

EXISTING ZONE: RU1 – LARGE LOT HOUSING
PROPOSED ZONE RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT the Report of the Planning & Development Services Department dated September 1, 2008 be received for information only.

2.0 HISTORY

- July 8, 2008 – The above noted development application was considered by Council during the July 8th, 2008 Regular Council meeting. A motion to give the bylaw 2nd and 3rd reading was moved but not voted on. Before this vote could be taken the following deferral motion was passed:

R643/08/07/08 THAT Council defer consideration of Bylaw No. 10031 pending discussions between the applicant and the neighbourhood residents with respect to how the property development could be changed in order to be more sensitive to the neighbourhood

- August 6, 2008 – the applicant held an Informational Meeting at the Kelowna Public Library.

3.0 STAFF COMMENTS

Although a meeting was held between the applicant and neighbours, there has been a difference of opinion as to the outcome of the meeting. The position of both the applicant and some of the concerned interveners remains unchanged from those presented at the public hearing. There is no new information to present, and therefore Staff are not recommending that the public hearing be re-opened.



4.0 ALTERNATE RECOMMENDATION

THAT Council re-open the public hearing for Rezoning Application #Z07-0082.



Shelley Gambacort
Planning and Development Services
NW/nw

Excerpt from the July 8, 2008 Public Hearing Minutes:

- 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
 - 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.

Chris 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.

Excerpt from the July 8, 2008 Regular Meeting Minutes:

- 5.7 Bylaw No. 10031 (Z07-0082) – Bruckal Developments Corp. (New Town Architectural Services) – 443 Christleton Avenue

Moved by Councillor Blanleil/Seconded by Councillor Gran

THAT Bylaw No. 10031 be read a second and third time.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R643/08/07/08 THAT Council defer consideration of Bylaw No. 10031 pending discussions between the applicant and the neighbourhood residents with respect to how the property development could be changed in order to be more sensitive to the neighbourhood.

Mayor Shepherd and Councillor Clark – Opposed.

Carried