

Public HearingSeptember 22, 2009

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 22<sup>nd</sup>, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 4, 2009, and by being placed in the Kelowna Daily Courier issues of September 13, 2009 and September 14, 2009, and in the Kelowna Capital News issue of September 15, 2009, and by sending out or otherwise delivering 132 letters to the owners and occupiers of surrounding properties between September 4, 2009 and September 9, 2009.

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. 10227 (OCP09-0004) and Bylaw No. 10228 (Z09-0013) - Condor Holdings Ltd/Worman Resources Inc. - 480 Osprey Avenue - THAT OCP Bylaw Amendment No. OCP09-0004 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C., from the existing "Multiple Unit Residential - Medium Density" designation to the proposed "Commercial" designation, as shown on Map "A" attached to the report of the Community Sustainability Division, dated August 14, 2009, be considered by Council;

AND THAT Council considers the 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 Community Sustainability Division dated August 14, 2009;

THAT Rezoning Application No. Z09-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C. from the existing "RU6 - Two Dwelling Housing" zone to the proposed "C4 - Urban Centre Commercial" zone be considered by Council;

Public HearingSeptember 22, 2009

AND THAT the OCP Bylaw Amendment No. OCP09-0004 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.

Staff:

- Advised that 65% of the development is multiple-residential and 35% of the development is commercial.
- Advised that the applicant will be paying cash-in-lieu for the commercial parking component.
- Confirmed that when cash-in-lieu for parking is collected for the Pandosy Area, those funds are kept in a special account.
- Confirmed that the C4 zoning would stay with the lot and would not be tied to the applicant's Development Permit.

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

- Letter of Concern:
  - Denton Powles, KLO Neighbourhood Association
- Letters of Opposition:
  - Alan Carter, 2700 Abbott Street
  - Colleen Nikon, 2663 Gore Street
  - Mae Saby, 2653 Gore Street
  - Helen Eden, 2664 Gore Street
- Letter of Support:
  - Sheri Graham, 467 Osprey Avenue & 459 Osprey Avenue

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

Shane Worman, Worman Resources Inc., Applicant's Representative

- If the developer was to provide the required amount of parking for the site, the main floor would be rendered unusable.
- The Gore Street frontage of the development will have entry level townhouses, which will adequately integrate with the surrounding neighbourhood.
- Advised that each garage will interface with each residential unit. The occupant will enter the garage, shut the door and will be able to access the residence without having to go back outside.
- The development anticipates that the small commercial component on the 1<sup>st</sup> floor will only be big enough to hold a commercial business that only has 1 or 2 employees.
- The development anticipates that the commercial component on the 2<sup>nd</sup> floor will be rented by the residents of the residential component of the building.
- An open house was held prior to the Advisory Planning Commission meeting in order to discuss any of the residents' concerns.

Gallery:Doug Ingraham, 2627 Gore Street

- Is opposed to the OCP amendment.

Public HearingSeptember 22, 2009

- The area is currently under revitalization, which is taking place due to the hard work of each individual homeowner.
- Believes that the OCP future land use for the area is flawed.
- Believes that the C4 zone is inappropriate for the area.

Maryann Ingraham, 2627 Gore Street

- Is opposed to the application as it does not fit with the form & character of the existing neighbourhood.
- Wants to preserve the RU6 zoning in the area.

Mary Jane Addison, 2678 Gore Street

- Has lived in her home for the past 19 years.
- Is opposed to the development.
- Believes that the size of the building does not fit into the neighbourhood.
- Lives right next door to the property and believes that the development will invade her privacy as there are several windows that will look directly upon her property.
- Believes that this will decrease the value of her property.
- Believes that the access to the second floor is directly adjacent to your property.
- Because the access to the commercial component is off of Gore Street, she believes that any clientele will be parking on Gore Street and therefore will further limit the parking on the street.
- She would also be opposed to a 4-storey apartment building on the site.

Helen Eden, 2664 Gore Street

- Opposed to the development.
- Purchased her property 1 year ago and was aware that the subject property was zoned RU6.
- Confirmed that Gore Street is a dead-end street with 11 homes on it.
- If the development proceeds, she will consider moving from the area.
- Believes that this development will be a step backwards for the neighbourhood.

Eric Tromsness, 2674 Gore Street

- Believes that this development will set a precedent for commercial development in the area.
- Would rather have this type of development in the area as opposed to the development that is occurring on West Avenue.
- Would rather have the proposed 2 ½-storey building rather than a 4-storey building.

Eleanor Gatzke, 2643 Gore Street

- Moved to the area in 1964 and operated the first retail pharmacy in the area.
- Purchased her home in the area so that she could walk to work.
- Is opposed to the commercial activity being proposed and is concerned about the shortage of parking in the area.
- Believes that the parking being provided on Osprey Avenue will not help the parking situation.
- Strongly opposed to the rezoning.

Sheila Venables, 2654 Gore Street

- Owned rental property at 2654 Gore Street.
- Is in favour of this application.

Public HearingSeptember 22, 2009Karen Thompson, 2684 Gore Street

- In favour of the development.
- She intends on redeveloping her property for mixed residential and commercial.
- She purchased the property in 1991 and was fully aware that the OCP designation of the area changed back in 1997.
- Is not concerned about the commercial aspect of the development as she believes that the commercial element is not substantial enough to cause a problem for the area.

Andrew Bruce, 893 Paret Crescent

- Does not have a vested interest in the neighbourhood.
- Any change has impacts and often times those impacts tend to be perceived as greater than they really are.
- Likes the design of the building and would welcome this type of development in his neighbourhood.

Doug Ingraham, 2627 Gore Street

- Does not believe that a RM5 building would be feasible without requiring a lot of variances.

Shane Worman, Worman Resources Inc., Applicant's Representative

- The intent of the design is to have the main access to the upper floor and the commercial off of the laneway.
- Believes that a RU6 duplex on this lot would cast more of a shadow on the neighbouring property and would not require a rezoning.
- Chose a flat roof to minimize the impact on the neighbouring properties.
- Believes that the development is sensitive to the neighbourhood.
- Displayed pictures of the on-street parking in the area.
- Believes that any parking concerns could be alleviated by limiting the parking on Gore Street or requiring parking passes.
- Believes that this development will provide a great buffer along the development and that the development will enhance the area.
- Advised that there will be a "zero" setback to the laneway and along Osprey Avenue and that the setbacks abutting the residential zone are the same as the RU6 zone setbacks.
- Will be required to install underground services when constructing the development.
- Advised that there will be a 42" buffer along the upper floor which should enhance the privacy of the neighbouring properties.
- Does not want to build a 4-storey building in the area.

Staff:

- A parking variance is not required as the parking being provided, together with the cash-in-lieu, is deemed to meet the City's requirements.
- The subject property falls within the South Pandosy Town Centre.

There were no further comments.

Public Hearing

September 22, 2009

4. TERMINATION:

The Hearing was declared terminated at 8:03 p.m.

Certified Correct:

---

Mayor

SLH/dld

---

City Clerk