

Public HearingAugust 10, 2010

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 August 10, 2010.

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

Council members absent: Councillor Rule

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:06 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 July 23, 2010 and by being placed in the Kelowna Daily Courier issues of August 3, 2010 and August 4, 2010, and in the Kelowna Capital News issue on August 1, 2010, and by sending out or otherwise delivering 4832 letters to the owners and occupiers of surrounding properties between July 23, 2010 and July 30, 2010.

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. 10373 (Z10-0033) - New Opportunities for Women (NOW) Canada Society Inc. - 2609 Richter Street - THAT Rezoning Application No. Z10-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Lot 2, DL 135, O.D.Y.D., Plan 3929, located on Richter Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone be considered by Council;

AND THAT the 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 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.



Public HearingAugust 10, 2010

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

Letters of Support:

Chris MacKenzie, 2598 Richter Street  
 Les Atwell, The Society of St Vincent de Paul of Central Okanagan, 2629 Richter Street

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

Liz Talbott, Executive Director Now Canada Society

- The present location best meets our client's needs due to being central, close to South Pandosy Centre, bus routes, medical services, parks and schools.
- This is a 20 bed facility and clients can stay up to 30 days. Clients receive 3 meals a day and are given access to work with a Case Manager to help with the next step forward. We are helping people straight off the streets with relevant support. The need for the shelter is evident.
- No changes to the exterior are proposed. There is no intention to re-develop or add clients. The RM3 zone is consistent with the OCP and Policies.
- The house works well within the community and we have a good rapport with the neighbours.
- No letters of complaints have been received from our neighbours.

There were no further comments.

- 3.2 Bylaw No. 10376 (Z10-0052) - Shane and Jennifer Warawa - 745 Mitchell Road -  
 THAT Rezoning Application No. Z10-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot 2, Section 22, Twp. 26 ODYD, Plan KAP79221 located at 745 Mitchell Road, Kelowna, B.C. from RU1 - Large Lot Housing to RU6 - Two Dwelling Housing as shown on Map "B" attached to the report of the Land Use Management, dated July 2<sup>nd</sup>, 2010, be considered by Council;

THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department and Rutland Water Works being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the receipt of a plan to subdivide the property into two separate lots.

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.

Shane Warawa, Applicant

- Present and available for questions.

There were no further comments.



- 3.3 Bylaw No. 10377 (OCP10-0007) and 10378 (Z10-0037) - T 146 Enterprises Ltd/Dale Knowlan & Associates - 1460 Springfield Road - THAT OCP Bylaw Amendment No. OCP10-0007 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation for a portion of Lot B, Section 19, Twp. 26, ODYD, Plan 32387 located at 1460 Springfield Road from the Single / Two Unit Residential I designation to the Commercial, as shown on Map "A" attached to the report of the Land Use Management, dated June 25, 2010, be considered by Council;

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 Land Use Management Department dated June 25, 2010;

THAT Rezoning Application No. Z10-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portion of Lot B, Section 19, Twp. 26, ODYD, Plan 32387 located at 1460 Springfield Road, Kelowna, B.C. from RU2 - Medium Lot Housing zone to the C5 - Transition Commercial zone be considered by Council;

THAT the OCP Bylaw Amendment No. OCP10-0007 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the completion of the lot line adjustment.

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

**Letters of Concern:**

Shirley Froese, 1471 Inkar Road  
Barbara Vlasek, 1471 Inkar Road (2)

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

**Dale Knowlan, Representing the Applicant**

- The purpose for the application, as noted in the staff report, is to provide an additional 7 parking spaces and buffer for existing businesses at 1460 Springfield Road.
- The landscape plan proposes 2 m solid wood screen fence between residential and commercial, with a 6 to 8 feet hedge when grown located along the north and west property line. In the front lilac shrubbery and existing tree.
- The C5 zone will remain as is.
- There is not enough parking onsite. The owner intends to provide safe and convenient on site parking for patients and office workers. There is currently 17 staff employed with 6 patients in attendance at any given time. The owner has spoken to many neighbours and one letter submitted with no concerns for the application.

**Gallery:**

**Shirley Froese #314-1471 Inkar Road**

- There isn't a lot of property between the residential fence and where the cars will park. The fence and trees belong to the Strata. I am concerned with fumes that vehicles backing into the parking stalls will generate. A sign to not back in to stalls is an excellent idea. A concrete wall would be great and I would like to see that in place.



Public HearingAugust 10, 2010

Mayor Shepherd:

- Asked the Applicant to speak to the concrete wall suggestion.

Dale Knowlan, Representing the Applicant

- Advised that it is difficult to construct a fence in that tight corner with the electrical box and garbage receptacle. It is hard to introduce new solutions in the older area.

Council:

- Confirmed there is no additional entrance or exit from the highway.
- Confirmed that the 5 foot chain link fence and 8-10 foot cedar at the back would both remain.
- Suggested signage be posted along the chain link fence advising vehicles are not permitted to back in.

There were no further comments.

- 3.4 Bylaw No. 10379 (OCP10-0006) and 10380 (Z10-0031) - Jasvinder and Navjot Kandola/GTA Tomporowski - 1045, 1053 and 1069 Laurier Avenue - THAT OCP Bylaw Amendment No. OCP10-0006 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of the east ½ of Lot 10, D.L. 138, ODYD, Plan 578 located at 1069 Laurier Avenue from the Commercial designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated June 25, 2010, be considered by Council;

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 Land Use Management Department dated June 25, 2010;

THAT Rezoning Application No. Z10-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the east ½ of Lot 11 shown on Plan B4050; D.L. 138, ODYD, Plan 578 located at 1045 Laurier Avenue, the west ½ of Lot 10, D.L. 138, ODYD, Plan 578 located at 1053 Laurier Avenue and the east ½ of Lot 10, D.L. 138, ODYD, Plan 578 located at 1069 Laurier Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing Zone to the RM3 - Low Density Multiple Housing Zone be considered by Council;

THAT the OCP Bylaw Amendment No. OCP10-0006 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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 properties;

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties into one title.



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

**Letter of Opposition:**

Jennifer Wall, 1044 Borden Avenue

**Letters of Concern:**

Debby Helf, Kelowna South Central Association of Neighbourhoods, 865 Bernard Ave

Shona Harrison, UBCO, 3333 University Way

**Petition of Opposition:** - noted by DCC to be against the variance which is note being heard this evening.

A petition of opposition signed by 36 owners/occupiers of the surrounding properties as submitted by Shona Harrison of 946 Laurier Ave.

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

**Gary Tomporowski, Representing the Applicant and Jay Gilman, Architect**

- Advised that the buildings are identical to provide uniformity to the development and unity within the project.
- Two major trees have been identified on site that can be retained. They are significant trees on the site. Some trees will be removed for access to parking area and some are in poor health.
- Originally thought a lane way was going through and now it is not and that is part of the reason we changed from 3 storey building and need a variance for parking. The variance is for the site coverage only and needed for lanes on the side for parking. Had considered one lane in and out but couldn't achieve full development potential of the site. We do not want to park in the front yard so the only idea was to park in the back with a single access driveway that loops around the back to provide access.
- There is only minimum open useable space that we can provide. The decks on units are very large. There will be benches and seating along the pathway. We can look at the concepts from "square foot garden".
- Had not shown the plan to the Neighbourhood Association and were not aware of the demolition angst until the last minute. It would be most helpful if this was identified by the City earlier in the process in some way.

**Gallery:**

**Shona Harrison, Representative of KSAN, 946 Laurier Avenue**

- I have spoken with Mr. Tomporowski to convey that the neighbourhood is vehemently against this application and what is proposed does not fit in with the community. Essentially the area has character houses. While these properties are not currently on the Heritage Registry there is documented history that was highlighted from the correspondence.
- Was unaware of the APC Meeting and unfortunately had not attended.
- Not opposed to development but it has to be sensitive to the neighbourhood and these 3 lots will be terribly over developed. There is no impact study on the neighbourhood in this presentation.
- If we had the opportunity we would be interested in speaking with the developer on the form and character of the neighbourhood.

**Debby Helf, Chairperson for Kelowna South Central Association of Neighbourhoods**

- Opposed to this development. The Design, lot coverage and maintenance are the main concerns.
- Commented that in the new OCP plan for the neighbourhood all properties that are east of Bowes will be zoned low density; the ones to the west are in the character



Public HearingAugust 10, 2010

- area. In the new OCP this property would not be protected. There are about 41 houses in the new OCP that are not protected.
- Concerned with increased traffic with the larger footprint.
  - Would like the City to consider standards of maintenance bylaws which would help the city enforce proper care and maintenance of rental housing and not let them rot.

Council:

- Suggested the Applicant provide information pertaining to how many trees will be removed vs. how many trees will be planted for the next step in this process.
- Concerned that there is little open usable space.
- Confirmed that the laneway will be privately maintained.

Gary Tomporowski, Representing the Applicant

- Agreed to meet with the Neighbourhood Association if the rezoning moves forward.
- The 3 four-plexes cover only 28% of the lot; it is due to the parking and driveway that the lot coverage is proposed to be as high as it is.
- Traffic studies will show that multi-family areas have less traffic. Traffic will not go down Laurier Avenue.
- With respect to the notice for the APC meeting on May 25<sup>th</sup>, a notice was put up 10 days in advance of that meeting and adequately posted on the fence of the site, 10 feet from the street. No one showed up at the APC meeting to raise concerns.
- I did speak with Miss Harrison on June 30<sup>th</sup> when the crisis erupted and my client advised that she was concerned that her business was under threat of being picketed.
- I would like to go on record that at no time did Miss Harrison call my office and ask to discuss the form and character of the development.

There were no further comments.

- 3.5 Bylaw No. 10381 (Z10-0048) - Surinder and Davinder Bhullar - 1356 Montenegro Drive THAT Rezoning Application No. Z10-0048 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 13, Township 26, ODYD Plan KAP84278, located at 1356 Montenegro Drive, Kelowna, BC, from the RU1h - Large Lot Housing (hillside area) zone to the RU1hs Large Lot Housing (hillside area) with a secondary suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

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

Letter of Support:

Jeff and Crystal Sininger, 1338 Montenegro Drive

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

Applicant:

- Present and available to answer questions.



Public Hearing

August 10, 2010



Public HearingAugust 10, 2010

There were no further comments.

- 3.6 Bylaw No. 10382 (Z10-0034) - Richard and Debra Horner - 1820 Ivans Avenue  
 THAT Rezoning Application No. Z10-0034 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 17, Section 32, Township 26, ODYD Plan 42927, located at 1820 Ivans Avenue, Kelowna, BC, from the RU2 - Medium Lot Housing zone to the RU2s Medium Lot Housing with a secondary suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a Building Permit be issued for the suite prior to final adoption of the zone.

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

Letter of Opposition:

Lonnie and Lori Ann Burma (2), 1780 Ivans Court

Letters of Response:

Kathleen Kendall, Kendall Property Management, 159 Rutland Road S  
 Richard and Debra Horner, 1820 Ivans Avenue

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

Debra Horner, Applicant and Dave Donaldson, Property Manager for Kendall Property

- Mr. Donaldson advised that the owner bought the property four years ago and Kendall Property Management has been managing for that time.
- Had complaints regarding the tenants from upstairs in June 2009 and these tenants are no longer there.
- We are now in the process to get this suite legalized.

Gallery:

Lonnie Burma, 1780 Ivans Court

- We had issued a complaint with the Bylaw Enforcement Department who tried several times to get in touch with the Management Company. We had been advised by the Bylaw Enforcement Officer to not discuss our issues with the neighbour and to let bylaw enforcement handle it.
- About a year ago the house emptied and new tenants moved in. We had spoken to the previous owner of the property and he advised that the new owner was fully aware of the bylaw and would not be renting.
- Not long after the sale of the property the premises began to fail. At one point there was an engine repair shop business there. There were 6 to 8 people living there and at any given time there were parties, pet messes and other infractions. Our issues are the volume of vehicles, bikes and parties on the deck. Based on the history of past 4 years I encourage Council to reject this application.
- We feel the owner does not respect our quality of life and that the property is not being managed due to an absentee owner.
- We are willing to negotiate with the neighbour.

Council:

- Council confirmed with staff that 5 people unrelated by blood could be in each principle dwelling and suite.
- Council confirmed there is no opportunity for more screening.



Debra Horner, Applicant

- Advised that the tenants that were the problem were the previous upstairs tenants. There were 5 people living there up and down. They have been gone since June 2009. Currently there are 2 women, a baby and a dog upstairs and 2 University students in the basement
- Mr. Donaldson advised that he has provided maintenance of the property for the last year. The Bylaw Officer at the time may have had troubles getting a hold of us because the management company had moved from Ellis Street to the Rutland area but we were available to get in touch with.
- Ms. Horner advised that she would provide Mr. Burma with the Property Management's contact person and phone number. Indicated a long history with Kelowna that her family is here 4 or 6 times a year. Does contact the property manager often but recently has been dealing with family issues. Trust the current tenants will be there for awhile. Will try to ensure that we have more family oriented tenants. If there is excessive noise I would suggest neighbours call the police for immediate action.

There were no further comments.

3.7 Bylaw No. 10383 (HRA10-0001) - 0847922 BC Ltd/Trotter & Morton - 1177 Ellis Street - THAT Bylaw No. 8512 for HRA99-009 be repealed;

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot A, District Lot 139, ODYD, Plan KAP68238, located at 1177 Ellis Street, Kelowna, B.C., in the form of such agreement attached to the report from the Land Use Management Department dated July 2<sup>nd</sup>, 2010 as "Schedule A";

THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Heritage Revitalization Agreement Authorization be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

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

Letters of Support:

Aldo Inrieri, 3058 Kings Ave, Vancouver  
Ervin Kovacs, 3058 Kings Ave, Vancouver

Letter of Conditional Support:

Fred Speckeen, 1156 Sunset Drive

Letter of Concern:

J.D. Taylor, 1439 Bertram Street

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

Tyler Wolenhart, Intern Architect and Applicant Representative

- Provided photo of the landscape plan; designed with intensive landscape treatment, surfacing and vegetation, with large number of street trees, art piece and public promenade.
- The CN station is the focal point of the site. Aerial view gives idea of massing of the buildings and landscaped promenade. The design intent was to allow CN



Public HearingAugust 10, 2010

- station to stand apart as the centre piece. We did not want to lose the historic value of the building.
- The new buildings represent emerging Kelowna style; broken up scale with second floor balconies with seating bump outs.
  - Patio space from the south to the west on CN Station. Corners of both buildings where stairwells are required will be glassed in and lit for safety. Changed the materials from cultural stone to the brick and wood signage after discussions with the city.
  - The primary surface is asphalt, with stamped concrete; heritage garden in the pedestrian promenade and pedestrian connectors are concrete pavers.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:24 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

ACM