

COUNCIL MEETING SUBMISSIONS

(File No. DP 22-29)

NO.	Date RECEIVED	TIME RECEIVED	RECEIVED FROM
Submissions included with the Agenda			
1.	April 13 th , 2023	10:23AM	Paynter, Celestine
Submissions included with the Late Agenda Items			
2.	April 14 th 2023	2:49 PM	19 Owners at Gateway Strata
3.	April 16 th 2023	6:56 PM	McDonald, Emily & Girard, Sean
4.			

File: DP 22-29 Location: 3595 Elliott Road

PETITION OPPOSING

Municipal Hall
2760 Cameron Road
West Kelowna, BC V1Z 2T6

April 12, 2023

Attention: Jayden Riley, City Clerk

RE: File Number DP22-29:
Location: 3595 Elliott Road, West Kelowna
Variance/Amendment Bylaw Application

We are Gateway Strata, a 22 unit Townhouse complex, located at 3620 Brown Road, a property located between Elliott and Brown Road. Gateway Strata is adjacent to 3595 Elliott Road. We write to OPPOSE the numerous variance applications requested by the Developer of this Live/Work development.

The proposed Development Permit Plan with Variance of 3595 Elliott Road requests six (6) units Live/Work townhouses within a family neighbourhood.

History

On February 22, 2022, Council approved a zoning Amendment Bylaw 154.110 for a mixed-use development, construction of live/work units at 3595 Elliott Road, HOWEVER the Bylaw Amendment included increased parking requirements, which required that the parking spaces be calculated separately for business and home owner (residential) to ensure adequate parking.

Developer Application/Variance to reduce parking requirements

1. At the Council meeting held February 22, 2022, Council acknowledged the existing parking issues and shortages. Elliott Road is an arterial road and no parking is permitted on an arterial road.
2. The proposed 6 plex unit Live/Work townhouse development consists of 2 units containing 2 to 3 bedrooms and 4 units containing 2 bedrooms.

The calculation of required parking spaces of the proposed 6 plex unit Live/Work development equates to 6 business parking spaces plus 12 home owner parking spaces (6 x 2), for a of total 18 parking spaces. This calculation of required parking spaces is based on the following Bylaws.



Bylaw Parking Requirements

Part 4 Zoning Bylaw 0154 - Off Street Parking and Loading - paragraph 4.4, Standard Parking Spaces, requires one (1) off-street parking space per Live/Work unit PLUS the residential component.

Accordingly, one (1) Live/work unit containing two or more bedrooms = a total of three (3) off street parking spaces.

The proposed 6 unit Live/work development parking requirement is eighteen (18) parking spaces (6 x 3 = 18 required parking spaces).

PLUS: Part 4 Zoning Bylaw 0154 - Visitor parking spaces - paragraph 4.6 requires visitor parking calculated at 10% of the total parking requirements in Table 4.1.

Accordingly, the visitor parking required for this 6 plex townhouse development is 1.8 parking spaces.

PLUS: Part 4 Zoning Bylaw 0154 - Accessible Parking Spaces - paragraph 4.5 requires accessible parking spaces. The number of accessible required parking spaces for 11 to 20 parking spaces is one (1).

Accordingly, this development requires one (1) accessible parking space.

Oppose Variance to increase building height

We are OPPOSED to the variation to change the form and character of the Development Plan building to permit a 4th floor roof top patio, which would require this Development Plan to obtain a variance of height restriction to permit a fourth floor.

This is a neighbourhood consisting of families. Our Townhouse development consists of young families, with young children.

The layout of the 3rd floor in our Townhouse developments are bedrooms. These floors of bedrooms are located directly across the lane from the proposed 3595 development. The two properties are not separated by a Road distance, but only a Lane distance.

There is no logical reason to permit roof top patios in a residential neighbourhood. How does City Council propose to control the noise from roof top patios from permeating into the surrounding neighbourhood.

There is no view to be attained by permitting fourth floor roof top patios. The noise created from roof top patios have no sound barriers and the noise will reverberate directly into the bedrooms of Gateway Strata and surrounding neighbourhood residential bedrooms.

Noise Regulations

Zoning Bylaw 151 - Good Neighbour - paragraph 7 Noise Regulations requires an owner or person shall not permit or allow noise or sound to emanate or disturb the quiet, rest of the neighbourhood or vicinity of that property.

How does City Council intend to control the noise from an open 4th floor roof top patio? This neighbourhood consists of families and 5 city blocks of single residences.

Application/Variance for Height increase from 9 meter maximum to 12.5 meter maximum

The Development Plan is requesting a height variance to increase the development from the 9 meter to 12.5 meter height to allow for a 4th floor on the building.

We OPPOSE the variance application to increase the height restriction from 9 meters to 12.5 meters because it will completely block in 1/3 of our Townhouse development.

The rental apartment buildings located at 3623 have blocked in all of the back yard side of our 22 Townhouse development.

Our Townhouse development is 3 floors in height. If City Council permits the height variance of this Development Plan to increase to 4 floors (12.5 meters) approximately 1/3 of our Townhouse development will be completely block in by buildings.

The height of the rental apartments located at 3623 Elliott Road resulted in 75% to 80% reduction of sunshine. If a variance of height from 9 meters to 12.5 meter is approved for 3595 Elliott it will eliminate all sunshine for 1/3 of our Townhouse units.

This may seem insignificant, but the City of West Kelowna required our Townhouse complex to have 35% of the property allocated to green design space, which it does. The trees and scrubs in the back of the Townhouse units have been dying and the grass areas are turning into moss.

Application/Variance to permit 5% of property not covered by Development Building

C2 Zoning Bylaw 0154 - Neighbourhood Commercial - Development Regulations Table states:

- the maximum parcel coverage is 40%;
- the maximum building height is 9 meters to a maximum building height of 3 storeys;
- the front boundary from the building is required to be 4.5 meters (14.8 feet);
- the rear boundary from the building is required to be 6.0 meters (19.7 feet); and
- exterior side parcel boundary is 4.5 meters (14.8 feet).

If CWK Council permits only 5% of the property not covered by this development building, it will negatively impact the adjacent residential properties in direct contravention of the OCP Objectives and Policy Bylaw 100.42. This will be a development of cement and asphalt that intrudes and disrupts the quality of life for the adjacent residential community.

The Regulatory Planning and Development Approval Framework Design Guidelines protect the public and private realm, requiring quality standards for neighbourhood Form and Character architecture and landscape design.

High density development does not have to mean only cement and asphalt, but it will if you as Council permit 95% coverage.

Landscaping is intended to enhance the appearance of development, but also should respect and improve the streetscape and public realm.

Business Signage

It is urgent that City Council address the Business Signage of the Live/Work units in accordance with the Form and Character of the neighbourhood.

As stated above, 3595 is adjacent to family townhouses, separated by a lane, not a road way, which contain bedrooms on the 3rd floor. Illuminated Business Signage shining directly into the living and bedroom levels of the townhouses located along Springer negatively impacts the quality of standards of living for the neighbourhood Form and Character architecture.

The illumination of Business Signage must not be permitted along Springer Lane. Any business signage must be required to be located along Elliott Road only in accordance with the standards of living and Form and Character architecture.

Zoning Bylaw 0154 - General Regulations - 3.14 Minor Based Business - permits a minor home based business to have 1 non-internally illuminated sign to a maximum size of 3000 cm² (465 in²) attached to the dwelling and a minimum distance of 4.9 feet from any parcel boundary.

The Form and Character of the architecture residential properties If the General Regulation of Minor Based Business signage is not addressed there could potentially be six (6) 3.2 square feet of illuminated signs! A 3.2 square foot sign is 2 feet x 4.5 feet; or any combination of 9 feet, which is huge. Plus it can be illuminated!

The elimination of any and all Business Signage along Springer Lane must be enforced in this Live/Work development in accordance with the Form and Character of this neighbouring residential community.

Community Context, Vision and Guiding Principles (Development Permit Guidelines) - objectives are to:

1. ensure that development design enhances the overall character and aesthetics of the community;
2. encourage site and building design that incorporates 'green' features;
3. minimize negative impacts of new development on adjacent uses and, where possible, respecting the view from neighbouring residential properties;
4. ensure that signage are considered at the early stages of development.

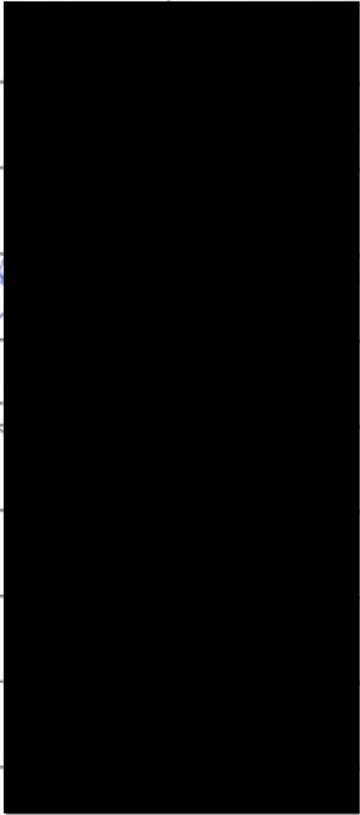
Clearly the Development Permit and Variance DP 22 - 29 for 3595 does not adhere or even consider any of these objectives.

Respectfully Submitted

The Strata Owners of Gateway Strata,
3620 Brown Road

Print Name	Address	Signature	Date
BRIAN TURLEY	#14 3620 Brown Rd	[Redacted]	Apr 13/23
TREVOR BOTT	#17, 3620 BROWN ROAD	[Redacted]	13.4.23
Dianne Kot	17-3620 Brown Road	[Redacted]	8.4.23
ADRIAN KONIECZNY	#2 3620 BROWN RD.	[Redacted]	13, APR, 23
ED TRAUTMAN	#6 3620 BROWN RD.	[Redacted]	13 APR 23
Emily McDonald	#7 3620 Brown Rd	[Redacted]	13/04/23
DEREK WENTWORTH	#9 3620 BROWN RD	[Redacted]	APR 13/23
Jiah Lize	#10-3620 Brown	[Redacted]	2023.04.13
Erick Junnola	#12-3620 Brown Rd	[Redacted]	2023-04-13
Kai Hahn	#13 3620 Brown Rd	[Redacted]	2023-04-13



Print Name	Address	Signature	Date
Alan Hayes	16-3620 Brown road		April 13/23
Sara Anderson	#18-3620- Brown Road		Apr 13/23
Tracey West	#19 3620 Brown Road		"
Preston White	↓		Apr 13/23
Ainda McGregg	20-3620 Brown Road		Apr 13/23
Kurt Bosch	21-3620 Brown Rd		Apr 13/23
Adam Lutz	22-3620 Brown		April 13/23
FRANK QUESNELLE	11 3620 Brown Rd		April 13/23
Quinn Walker	5-3620 Brown		13/04/23

From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Cc: [REDACTED]
Subject: Attn: City Clerk, File Number DP 22-29 Emily McDonald & Sean Girard 7-3620 Brown Road
Date: April 16, 2023 6:56:28 PM

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Attn: City Clerk

RE: File Number (DP 22-29) – Development Permit with Variance to S.11.2.5(d) and S.11.2.5(e) of Zoning Bylaw No. 0265 for 3595 Elliot Road

Please accept this as our submission in OPPOSITION to the proposed Development Permit with Variance DP 22-29 for the property located at 3595 Elliott Road.

As homeowners and residents of the Westbank Centre neighborhood and the Gateway Urban Village Townhomes, located adjacent to the subject property, we feel that the proposed Development Permit with Variance for the lot located at 3595 Elliot Road should NOT be approved by the West Kelowna City Council.

Following the recent development of the Lakeview Point Apartments at 3623 Elliott Road, many of our homeowners have lost most, if not all, of the natural sunlight and privacy of their yards on the south side of our buildings. The proposed height variance to the development at the property at 3595 Elliot Road from 9.0m to 12.6m will tower over and effectively box in our homeowners at the West end of Springer Lane. This will lead to a loss of sunlight, mountain views, privacy, and enjoyment of our only other usable outdoor area. Furthermore, the addition of a fourth-floor rooftop patio does not keep with the form and character of the neighborhood. The current neighborhood is a mixture of apartments, townhomes, and single-family homes. Many of which, are home to young families with young children. The third floor of our townhomes consists of bedrooms; a fourth-floor rooftop patio on the proposed building could have a very high potential for noise from the rooftop patio to be carried to our bedrooms. In turn, this would cause a potential lack of sleep and or enjoyment inside our homes.

With the densification of the Westbank Centre Neighborhood, parking has become a very large issue. The Council at the time, allowed the Lakeview Point Apartments to be built without enough parking in exchange for \$230,000.00. Along with this, the owners of the Lakeview Point Apartments and the Orchard Walk Apartments, at 3641 Elliott Road, are

charging their residents for parking on top of their rental costs. This has caused many of these residents to choose to park on the street, making Elliott Road very congested and unsafe. When the property at 3595 Elliott Road was rezoned under File Z 21-08, the council discussed the parking issues in this neighborhood and the amendment was adopted with the specific language that off-street parking requirements would need to be calculated separately for commercial and residential components of the live/work unit use. We feel that this has not been done correctly. As shown on the plans submitted to the City of West Kelowna and included with the Agenda for the April 18, 2023, Council Meeting, the proposed commercial units in this development are 293.3 square feet (27.25 square meters) each, 4 for Personal Service use and 2 for Office use. The Bylaw Requirements for Parking Spaces for Personal Services is 2 spaces per 100 square meters and for Office, medical/dental, is 4 spaces per 100 square meters. The proposed development will have 109 square meters of Personal Service units and 54.5 square meters of Office units. Therefore, the proposed 2 parking spaces for each type of commercial use is inadequate and should be 3 spaces for Personal Service use and 3 spaces for Office use, which in turn correlates to the number of businesses the proposed development will house.

Furthermore, the plans submitted to the City of West Kelowna and included in with the Agenda for the April 18, 2023, Council Meeting, show the entrance to 5 of the 6 proposed commercial areas of this development off of Springer Lane. We would like to take this time to remind council that Springer Lane is only 6.0m wide. With the current state of on-street parking in the neighborhood and without providing at least 1 parking space for each commercial unit in this development, patrons of and couriers delivering to these businesses WILL take to parking on Springer Lane. The driveways of our townhomes are off Springer Lane, which currently is marked for No Parking along the lane. Having patrons and or couriers parking on Springer Lane, will pose a significant risk of vehicle accidents as well as cause a nuisance for our homeowners.

Thank you for your time and consideration of our OPPOSITION to this proposed Development Permit (DP 22-29) with Variance to S.11.2.5(d) and S.11.2.5(e) of Zoning Bylaw No. 0265 for 3595 Elliot Road.

Regards,

Emily McDonald and Sean Girard
7-3620 Brown Road West Kelowna BC V4T 3L2

cc. Sean Girard