

Public HearingJanuary 11, 2000

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, January 11, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day*, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "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 December 22, 1999, and by being placed in the Kelowna Daily Courier issues of January 3 & 4, 2000, and in the Kelowna Capital News issue of January 7, 2000, and by sending out or otherwise delivering 323 letters to the owners and occupiers of surrounding properties between December 22 & 23, 1999.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8490 (Z99-1055) – Jeanine Reiss – 372 Christleton Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Plan 3451, Sec. 13, Twp. 25, O.D.Y.D., located on 372 Christleton Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the applicant is proposing to build a garage off the rear lane with a secondary suite above the garage. He showed elevations of the proposed garage and the layout for the proposed suite and advised that a variance would also be required to allow a reduced east side yard setback for the house which was located in accordance with bylaw requirements of the day and that have since changed.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

There were no further comments.

- (b) Bylaw No. 8491 (Z99-1052) – 447402 B.C. Ltd. (Al Lawrence) – 3989 Bluebird Road - THAT the City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Plan 54767, Sec. 1, Twp. 25, O.D.Y.D., located on 3989 Bluebird Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone in order to allow development of the site for uses permitted in the RU6 zone.

Councillor Day declared a conflict of interest as the owner of property within the notification radius for this application and left the Council Chamber at 7:07 p.m.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the lot is vacant and has never been developed. An application by the same owner for a 4-plex was denied by Council due to neighbourhood concerns. The applicant has since worked with staff and the neighbourhood and although the site is large enough for a higher density, the applicant now proposes to build a duplex to satisfy the neighbourhood. A Development Variance Permit would also be required to allow driveway access to the property from the fronting street instead of from the rear lane in hopes that visitor parking would be accommodated on the property rather than on Bluebird Road. A total of four parking stalls would be provided on-site.

The Current Planning Manager advised that the application was reviewed and supported by the Advisory Planning Commission subject to a building scheme being registered by covenant on title and subject to road upgrades immediately abutting the property not being required at this time. However, covenants can only be enforced through a court of law and Planning staff do not recommend entering into design issues through covenants. Planning and Works & Utilities staff have agreed to postpone the road upgrades at this time and have taken a cash payment for the developer's share of future construction instead. Staff have no concerns with the development and the only reason the variance is needed is to meet neighbourhood concerns about vehicles parking on the street.

The City Clerk advised that the following correspondence had been received:

- letters from Donald Knox, 3988 Bluebird Road and from Wesley & Susan Fawcett, 3950 Bluebird Road, both supporting the application, but with conditions.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Al Lawrence, applicant, commented that the neighbourhood now supports the application and that in his view the duplex is an acceptable compromise. The neighbourhood has requested the driveway access off Bluebird Road rather than from the rear lane and there would be a total of 6 parking stalls on site, not 4 as indicated by the Planner. The rear of the site would be accessible from a lane off Radant Road for RV and boat parking. He advised that he would be willing to register a covenant for the duplex building design if City staff agreed to it but indicated that a covenant is not necessary since the size of usable yard is the determining factor for building footprint size. Mr. Lawrence also advised that bonding has been posted for future road upgrading. Curb and sidewalk would be an extension of the existing sidewalk and in his view adding the fillet paving would be a benefit. However, the neighbours do not want the sidewalk and curb and gutter because they are concerned it would diminish traffic flow.

Donald Knox, 3988 Bluebird Road, advised that the neighbours feel the proposed dwelling would fit in with the character of the neighbourhood but they want to ensure that what they are agreeing to is what they get and that is why they want the covenant. When the 7-11 store was built the neighbourhood agreed to something that did not occur and then had to deal with the problems resulting from that. If the subject property is sold, there is no assurance for the neighbourhood that with the RU6 zoning, the building would not be changed. The neighbourhood also wants to be sure that the RU6 zone would not permit suites since that would be the equivalent of a 4-unit development which the neighbourhood does not want.

Responding to questioning by Council, Mr. Knox advised that the section of Bluebird Road fronting the subject property is less than 30 ft. wide and there could be a tendency for vehicles to park on the road. If there was a sidewalk, curb and gutter and vehicles parking on both sides of the road, the usable portion of road could become very narrow. A sidewalk would force vehicles onto the road; without a sidewalk and curb and gutter, vehicles could park further off the road. He confirmed that the applicant is not trying to get out doing the road improvements, it is the wish of the neighbourhood that the work not be done. He also commented that he wants his visitors to be able to park on the street in front of his place and the applicant should have the same right and that he would consider giving up a portion of his property in order to widen the road in front of his property.

At the request of Council, the Current Planning Manager clarified that under the cash-in-lieu option the curb, gutter and sidewalk, and fillet paving would likely not be constructed until such time as the road could be widened.

Gary Lewis, 3984 Bluebird Road, agreed with the comments made by Mr. Knox and added that he would prefer natural drainage versus fillet paving on Bluebird Road.

Al Lawrence, applicant, pointed out that it could be 10-15 years before the improvements he has paid for are actually constructed and stated that in his opinion it is unfair for him to have to pay for sidewalk, curb and gutter and fillet paving when he is being denied those improvements. He indicated preference to either construct the sidewalk, etc. now and get the money back when the work is done, or else to not pay until such time as the neighbourhood is ready for a sidewalk and then pay his share of the costs at that time. He also advised that the agreement he signed when he made the cash payment-in-lieu indicated that he would be able to build the sidewalk if he paid for it.

The Current Planning Manager clarified that the City's Subdivision Development and Servicing Bylaw requires that the road be upgraded to full urban standards. Through the rezoning process, the applicant is required to address servicing shortfalls and that includes curb, gutter and sidewalks. Often when a property is mid-block with none of the services on either side, construction of the works is deferred. In this case, the existing services could be extended along the frontage of the subject property, but the applicant has requested those services not be done at this time because of neighbourhood concerns. When the work proceeds with the development, the applicant posts bonding that is refunded once the works are completed. When the cash-in-lieu option is exercised, timing for when the work is done is at the City's discretion. If cash-in-lieu is chosen rather than bonding and then the applicant changes their mind and goes ahead and does the work, the funds would still be released by the City upon completion of the works.

Council noted there may be an opportunity to achieve a widening of Bluebird Road fronting the subject property in which case there would be adequate road width to allow for construction of a sidewalk.

There were no further comments.

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Councillor Day returned to the Council Chamber at 7:51 p.m. and took his place at the Council Table.

4. TERMINATION:

The Hearing was declared terminated at 7:51 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn