

Public HearingMay 30, 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, May 30, 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: Acting-City Manager/Director of Planning & Development Services, R.L. Mattiussi, Deputy City Clerk, G.D. Matthews; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

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 "Kelowna Official Community Plan (1994-2013) 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 May 12, 2000, and by being placed in the Kelowna Daily Courier issues of May 23 & 24, 2000 and in the Kelowna Capital News issue of May 21, 2000, and by sending out or otherwise delivering 677 letters to the owners and occupiers of surrounding properties between May 3 & May 12, 2000.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8550 (Z00-1005) – Christian Bond – 565 Coronation Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 36, D.L. 139, O.D.Y.D., Plan 1303, located on Coronation Avenue, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU2s zone.

Staff:

- Reconvened from the May 16, 2000 Public Hearing to give the applicant another opportunity to attend the meeting and respond to questions of Council.
- The accessory building was originally constructed with a valid permit for use as a garage but over the years the garage was converted to a suite without the necessary permits.
- Complaints have been lodged with the City and the applicant is now requesting appropriate zoning to legalize the suite.
- In order to meet parking requirements, the applicant proposes to demolish the rear portion of the principle dwelling and construct an addition to the east side. That would provide room for 3 parking stalls at the rear of the principle dwelling.
- The subject property is approximately 10 m in width.
- There are two other properties in the city of a similar size that have 's' zoning and there are a number of lots on Fuller Avenue, Coronation Avenue and Wilson Avenue of similar and smaller lot sizes and that are zoned RU6 – Two Dwelling Housing.
- Showed pictures of a number of houses built on similar and narrower lot sizes to demonstrate how this size lot can accommodate an attractive dwelling, in some instances with a legal secondary suite.
- The subject property is in a state of disrepair and City Bylaw Enforcement staff are taking measures to correct that.
- City Planning staff view this as an opportunity to clean up the property through the zoning and building permit process and recommend support.

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The Deputy 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.

Council:

- At the May 16th Public Hearing neighbours complained that the subject property is unsightly and referred to the accessory building as a “drug-house”.

Christian Bond, applicant:

- The last tenants in the suite in the accessory building were bad and difficult to remove; however, they left several months ago, leaving the place a mess, and the suite has been vacant ever since.
- Intend to move the tenant that is now in the main house into the suite while the house is renovated to achieve the 3 parking stalls at the rear.
- There is a fence between the house at the rear of the site and the accessory building in the front. The tenant in the back looks after her yard. There is no tenant in the garage but when there is, that tenant looks after the front portion of the yard.
- As an absentee landlord, it is difficult to get in to check on the place and keep it maintained while working and operating a business in Beaverdale.
- Intend only to do what has to be done to meet City requirements because this is an investment property and just biding time until the area goes commercial.
- If the zoning is not approved, then the tenant would remain in the principle dwelling and the suite in the garage would be there for personal use while in town.
- Usually the tenants do not have vehicles.

There were no further comments.

- (b) Bylaw No. 8565 (Z00-1011) – University Business Park Ltd. (Protech Consultants Ltd., Grant Maddock) – 149 Commercial Drive - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, Sec. 35, Twp. 26, O.D.Y.D., Plan KAP63658, as shown on Map “A” attached to the report of April 18, 2000, located on Commercial Drive, Kelowna, B.C., from the I2 – General Industrial zone to the I1 – Business Industrial zone in order to allow development of the site for uses permitted in the I1 zone.

Staff:

- The property is currently split-zoned and the intent is to rezone the easterly portion of the property to the same zone as the remainder of the property in order to pursue development of the entire site for clean industrial and office uses.
- No Development Permit is required for property with I1 zoning and therefore with adoption of this bylaw the applicant could pursue a building permit to proceed with development of the property.

The Deputy 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.

Grant Maddock, applicant:

- This is a simple rezoning and the processing time could be streamlined and the application fee reduced by eliminating the need for referral to the Advisory Planning Commission and to a Public Hearing.
- Suggested that Council take advantage of a section of the Municipal Act that would allow the City to waive the holding of a Public Hearing on applications for rezoning where the proposal is consistent with the Official Community Plan.

There were no further comments.

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- (c) Bylaw No. 8561 (HRA00-002) – City of Kelowna (Kelowna South Central Association of Neighbourhoods, Keith Hewitt) – 865 Bernard Avenue - THAT Municipal Council of the City of Kelowna authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property known as 865 Bernard Avenue, Kelowna, B.C., Lot 29, Block 15, D.L. 138, O.D.Y.D., Plan 262, and that part of Lot 28, Block 15, outlined red on Plan B4330, D.L. 138, O.D.Y.D, Plan 262, in the form of such Agreement attached to and forming part of this bylaw as Schedule “A”.

Staff:

- The applicant has submitted a letter asking that the Public Hearing be deferred for a short period. Assuming they are anxious to proceed, staff suggest deferring the application for 2 weeks.
- The deferral is requested because the extent of renovations required to meet Building Code have turned out to be more than anticipated and they want to be sure they can fulfil all the terms of the agreement.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected by this application to come forward, or any comments of Council.

There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

P492/00/05/30 THAT the portion of the Public Hearing dealing with Bylaw No. 8561 (HRA00-002 – Kelowna South-Central Association of Neighbourhoods – 865 Bernard Avenue) be adjourned to the Public Hearing of June 13, 2000.

Carried

- (d) Bylaw No. 8552 (Z00-1021) – K. Perry & Noemi Koleba – 1085 Waldie Court - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot E, Sec. 30, Twp. 26, O.D.Y.D., Plan KAP47035, located on 1085 Waldie Court, 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.

Staff:

- The applicant is proposing to construct a secondary suite in the lower level of the dwelling. Some construction has occurred but no kitchen has been installed for the suite.
- There is room for 3 parking spaces within the garage as well as tandem parking in front of the garage.

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

- letter of opposition from Sadie & Harvey Peatman, 1181 Montrose Place
 - letter of opposition from W. & B. Lofts, 1152 Montrose Place
- both stating that a criteria for them purchasing their homes was that the immediate area was single family, the applicants should have been aware of the zoning requirements before purchasing the subject property, the area should remain single family, and approval of the rezoning could set a precedent for similar applications in the area.
- petition of opposition bearing 2 signatures from V. & G. Bogler, 1174 Mountain Avenue, stating the applicant was well aware of the existing zoning when he built the house on the property, there are already too many cars parking on the streets and too many basement suites being illegally rented in the area.

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

Perry Koleba, applicant:

- The home is large with only he and his wife living there.
- There have been break & enter's in the area.
- Would like the suite for protection on the property and for revenue.
- He and his wife would continue to live in the house and they would be screening the tenants.
- The property is on a cul-de-sac and the suite would not add traffic to the area.
- The neighbours in the cul-de-sac were all contacted and were very supportive of the rezoning.
- The property is 2½ acres in size and there is another parking area to the west that can accommodate 4 cars.
- The property will be landscaped over a period of 3 years.

There were no further comments.

- (e) Bylaw No. 8549 (Z00-1009) – Fernbrae Holdings Ltd. (Janet Wilson) – 295 Gerstmar Road - THAT Map 15.1 – General Future Land Use of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Lot 1, Sec. 22, Twp. 26, O.D.Y.D., Plan 27366, located on Gerstmar Road, from Education/Major Institutional to Multiple Family Residential – low density as shown on Map “A”;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 22, Twp. 26, O.D.Y.D., Plan 27366, located on Gerstmar Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the RM3 – Low Density Multiple Housing zone in order to allow development of the site for uses permitted in the RM3 zone.

Staff:

- At the time of first reading of the subject bylaw, the entire property was under application for rezoning but at that time, Council delayed the Public Hearing for staff to investigate park needs in the area.
- Staff have successfully negotiated acquisition of a park site on the Davie Road frontage of this property and recommend the bylaw be amended to adjust the zoning boundaries to rezone the easterly portion of the site to P3.
- The original intent was to develop the property in two phases with construction of a 3-storey, 183-unit congregate care facility as phase 1. That will now comprise the total development which will now occur in one phase.

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- The building design has been turned 180 degrees so that it now fronts onto Gerstmar Road rather than Davie Road.
- Applications for a Development Permit and a Development Variance Permit will be presented for consideration after consideration of bylaw adoption later tonight.
- The application was considered and supported by the Advisory Planning Commission, with no conditions.
- The site has been vacant for several years and before that it was held by the School District who sold the property to the current owner.
- The OCP designates the property as institutional to recognize the past school use but there are other RM3 uses in the area and staff recommend support, with the amendment to reflect the proposed zoning boundaries.

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

- letter from Susan Pedersen, 325 Davie Road, indicating preference for the site to be developed as park, but asking that, if the application is approved, the applicant be required to adhere to building height restrictions and landscaping requirements.
- late letter from James Moller, 1098 Tataryn Court, expressing concern that the infrastructure of Davie and Gerstmar Roads is already inadequate to handle the existing volume of traffic and the additional traffic would exacerbate the problem, the property is not on a transit route, and asking that all or a portion of the site be retained as park.

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

Janet Wilson, applicant:

- The agreement for sale of the property to the City does not require that a public walkway be provided but a gate will be installed at the north section of the property where people are already walking so there will be access to the park site.

Susan Pedersen, 325 Davie Road:

- Disappointed that she was unable to obtain a GIS map of the park land in the Rutland area without paying the City \$20 for the entire booklet.
- Concerned about the 3-storey building height and the need for a park site.

A resident of the area:

- Concerned about the additional traffic that would be generated and about on-street parking.

Staff:

- Traffic generated by the proposed type of facility is usually mostly guests and staff.
- The applicant is required to upgrade Gerstmar Road along the frontage of the property to a full urban standard.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:15 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/bn