

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, December 16, 2003.

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, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Acting Council Recording Secretary, I. Tilstra.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:01 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 November 28, 2003, and by being placed in the Kelowna Daily Courier issues of December 7 and 8, 2003 and in the Kelowna Capital News issue of December 6, 2003, and by sending out or otherwise delivering 597 letters to the owners and occupiers of surrounding properties between November 28 and December 1, 2003.

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 4684 Fordham Road

- 3.1 Bylaw No. 8952 (Z03-0054) – Robert and LeeAnne Ursel – 4684 Fordham Road – THAT City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, D.L. 357, ODYD, Plan 18457 located on Fordham Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant plans to locate the accessory building/secondary suite at the front of the subject property.
- An expected January 2004 text amendment will require accessory buildings to be located between the principal residence and the rear yard; this site provides limited opportunities to conform to this requirement.
- Having the building permit in place prior to the consideration of the text amendment would allow the applicant to proceed with development.

Councillor Blanleil entered the Council Chamber at 7:08 p.m. and took his place at the Council Table.

Public Hearing

December 16, 2003

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

- letter of opposition from Alan & Clair Ewbank, concerned regarding a lack parking, a decrease in property values, and a decrease in the quality of life due to rentals in area.

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

Jack Holly, 795 Fordham Road:

- Lives two lots south of the subject property.
- Has lived in the area for a long time.
- While delighted with the applicants as neighbours, has concerns about the rental property should they move on.
- In recent years has had renters on either side of his home, which has changed life in the neighbourhood and lowered its quality.
- While not faulting renters per se, he wonders about care taken to choose appropriate renters by future owners.

Staff:

- The zoning bylaw does not control tenancy and contains no requirement for owner occupation.

Applicant:

- Intends to site the secondary suite/accessory building at the front of the subject property because there is no room in the back.
- Is a proud homeowner and neighbourhood resident, and has proposed a design intended to complement the area.
- The majority of homes on the street have homes situated at the front of the lot; the accessory building is intended to look almost like just another home on the street.
- As a police officer, the applicant is aware of issues related to renters and intends to get reputable people.
- Prior to the zoning application, immediate neighbours were approached and did not express any concerns in those initial conversations.
- Once signs were posted, some neighbours had concerns similar to those expressed by Mr. Holly. The applicant explained that he and his family had no intentions of moving in the foreseeable future, and reassured them that renters would be carefully screened; the neighbours said they were happy with that.
- A motorhome was occasionally stored on the property; the applicant no longer owns it.
- The applicant's boat is stored away from the subject property during the winter.
- The driveway is approximately 140 feet long and provides ample space.
- Access to the accessory suite will be off the existing driveway.

There were no further comments.

3.2 140 and 160 Woods Road

- 3.2 Bylaw No. 9116 (Z03-0042) – G. Toye Construction – 140 & 160 Woods Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 22, Twp. 26, ODYD Plan 35387 and Lot 1, Sec. 22, Twp. 26, ODYD Plan 23665, located on Woods Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

Staff:

- The application is consistent with future land uses as designated by the OCP.
- The applicant intends to develop the property with 14 units of row-type housing.
- Access would be from Terai Road to the south, to an internal system of driveways with garages and some surface parking throughout the site.
- The applicant has addressed landscaping on the subject property, introducing a significant amount of landscaping along the road frontage and within the site.
- The associated development permit and development variance permit address a slight increase in overall lot coverage over the bylaw requirements.
- The applicant wishes to use some of the required setback areas as private open space on the site; issues involved will be addressed in a separate report to Council.
- The Ministry of Transportation has not yet signed off on the bylaw and servicing issues remain to be addressed.
- The Advisory Planning Commission endorsed the rezoning application for the proposed land use.
- While staff recognize that some minor variances are associated with this application, this is a form of housing that the City is encouraging (grade entry, low density housing appealing to a range of households).

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

- letter of opposition from Mr. Butterfield, stating that the City lacks jurisdiction to zone land.

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

David Butterfield, resident of the area:

- Presented comments unrelated to the zoning application. He was asked to sit down and did so.

There were no further comments.

3.3 1430, 1440, 1460 and 1480 Highway 33 West

- 3.3 Bylaw No. 9118 (Z03-0024) – Jack Scherle and 481124 BC Ltd. (Don Green) – 1430, 1440, 1460, 1480 Highway 33 West – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 4, 5 & 6, DL 125, ODYD, Plan 9286 except Plan 39705; and Lot A, DL 125, ODYD, Plan 17322 except Plan 39705, located on Highway 33 West, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.

Staff:

- The applicant is seeking rezoning to proceed with a development permit application to create 38 units of row/town-type housing.
- The development would be accessed off Mill Street and Mayden Road, to an internal driveway system.
- The development is designed so that if future land acquisitions become possible, the project could be easily adapted to accommodate further similar development.
- There is a bus stop fronting Highway 33, with a major bus route down Highway 33 and Ziprick.
- The Ministry of Transportation has recently completed a crosswalk at Mill Street.
- Under the new Development Cost Charge (DCC) bylaw, to be in place in early 2004, the 44 unit/hectare density cost per unit has been reduced almost \$400, down to \$5,461/unit, compared with \$5,815/unit under the old DCC bylaw. The new scenario provides a lot more leeway as far as achieving density gradient level for DCCs.
- The proposed land use is supported by the OCP.
- The Advisory Planning Commission reviewed and supported the rezoning application.
- Variances applied for will be brought forward under a separate report, once the Ministry of Transportation has signed off on the bylaw and servicing issues have been addressed.

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

- letter from the applicant, explaining the project.

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

Don Green, on behalf of the applicant:

- The object of the development is to provide accommodation with three bedrooms, a private fenced yard and generous landscaping.
- The project is not just for families, as there are many younger and older people who do not want to live in an apartment.
- The property will be strata titled, with common property being roads, fire hydrants, mail boxes, etc.
- The project will have 1½- 2½ times the private open space required by bylaw.
- The project responds to the City's stated goals of increasing density.
- Houses will be 1,130 sq. ft., on two floors, with a carport and a parking space.
- The kitchen windows are situated in the front of the houses, ensuring that someone's eyes will be on the development most of the time.
- Extra parking space will be done as a grass grid to accommodate the Planning Department's request for more greenery.
- Due to public transportation and other amenities in the area, the applicant believes that at least half of the residents will have only one car.
- The Ministry of Transportation has been very cooperative; a pedestrian-operated traffic light has been installed adjacent to Mill Street.

Public Hearing

December 16, 2003

- There are schools close by in the area.
- Because each home will have its own yard, there are no plans for a common playground.
- In addition to the two parking spaces per household provided, there is room for guest parking (four spaces) on the road at the centre of the development, and additional parking is available on Mill Street.
- The applicant anticipates that the units may end up being as high as \$170,000, although he continues to try hard to keep the cost down.

3.4 Regulations for Secondary Suites in Accessory Buildings

- 3.4 Bylaw No. 9119 (TA03-0010) - City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the regulations for secondary suites in accessory buildings (Section 9 – Specific Use Regulations) to require that when a secondary suite is located in an accessory building the principal dwelling unit shall be located between the front yard and the accessory building, to restrict the permitted height of the accessory building to no higher than the lessor of 4.5 metres or the height of the existing principal dwelling unit on the property; to require the provision of minimum 30 m² of private open space per dwelling unit; and to require the provision of a lighted pathway between the fronting street and the accessory building.

Withdrawn from the agenda.

4. TERMINATION:

The Hearing was declared terminated at 7:47 p.m.

Certified Correct:

Mayor

City Clerk

IT/am