

Public HearingAugust 10, 2004

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, August 10, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:04 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 23, 2004, and by being placed in the Kelowna Daily Courier issues of August 3 & 4, 2004 and in the Kelowna Capital News issue of August 1, 2004, and by sending out or otherwise delivering 399 letters to the owners and occupiers of surrounding properties between July 23-24, 2004.

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

3.1 902 Skyline Street

- 3.1 Bylaw No. 9276 (Z03-0069) – Mary Cresswell – Skyline Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 20, Sec. 30, Twp. 26, O.D.Y.D., Plan 11261, located on Skyline Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant has been using the pool house as a suite. A bylaw enforcement complaint triggered this application to legalize the suite.
- A Development Variance Permit application would be concurrent with adoption of the subject bylaw in order to deal with non-conforming siting of the accessory building.

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

- letter from Charles Smedley, 1510 MacLeay Court, opposed generally on the basis that there would be more traffic congestion should this application proceed.

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

Mary Cressell, applicant:

- Indicated that she had nothing to add at this time.

There were no further comments.

3.2 5377 Hedeman Court

- 3.2 Bylaw No. 9277 (Z04-0027) – Sundowner Holdings Ltd. and Woodlawn Projects Inc. (Protech Consultants Ltd./Grant Maddock) – Hedeman Court – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Sec. 24, Twp.28, SDYD, Plan 41091 located on Hedeman Court, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.

Staff:

- The rezoning is required to facilitate a 16-lot subdivision as the first phase of development. The property is currently vacant.
- The application is consistent with the OCP future land use designations.
- Technical issues will be addressed through the subdivision process.
- The Advisory Planning Commission recommends support.

The Acting 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, followed by comments of Council.

Grant Maddock, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.3 285 & 301 Glenmore Road

- 3.3 Bylaw No. 9278 (Z04-0029) – Robert Bartz and City of Kelowna (Thomas Gaffney Architect Inc.) – Glenmore Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 4, Twp. 23, O.D.Y.D. Plan 18662 except Plan KAP48643 and That Part of Lot 9, Blk. 6, Sec. 4, Twp. 23, O.D.Y.D. Plan 896 except Plans 13346, 13644, 14579, and 23927 shown as Parcel 3 on Plan H8323, located at 285 and 301 Glenmore Road, Kelowna, B.C. from A1 – Agriculture 1 zone to RM3 – Low Density Multiple Housing zone.

Staff:

- The applicant is proposing to consolidate the two properties and develop the site with 42 row housing units in fifteen 2½ storey buildings.
- Showed a concept plan of how the property is proposed to be developed.
- Access would be from Glen Park Drive.
- Pedestrian access to the future Glenmore Bypass would be provided for at the southwest corner of the property.
- The application is consistent with relevant planning documents and policies.
- Showed an artist's rendering of the project.
- The Advisory Planning Commission recommends support.

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

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

The applicant indicated he had nothing to add at this time.

There were no further comments.

3.4 1216 Graf Road North

- 3.4 Bylaw No. 9279 (Z04-0036) – Paul and Donna Robinson – Graf Road North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 25, Township 26, ODYD Plan 35198, located on Graf Road North, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- Traffic Division staff have clarified that there are no street name signs at the Graf Road intersection and will be looking into correcting that.
- The rezoning would accommodate a secondary suite in the basement of the existing single family dwelling.
- There would be no exterior changes to the existing dwelling.
- A development variance permit application would be required to address a non-conforming rear yard setback.
- The application meets all general policies for land use and providing opportunities for infill densities.

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

- letter from Cyndie Ludba, 1145 Graf Road
- letter from Scott Reid, 1185 Graf Road North

Opposed generally on the basis that the application would result in a lack of parking and increased traffic.

The Acting City Clerk clarified that a third letter that was circulated to Council was for an unrelated application and should not have been included in Council's agenda packages.

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

Paul Robinson, applicant:

- Has no intention of ever advertising the suite for rent but people he knows would occupy the suite, primarily as company for his wife. Originally her mother was going to move in but her health prevented that.
- Just want to make the suite legal before finishing it, since it already exists.
- There are probably 13 illegal suites on the street out of the 26 houses. It is a street of secondary suites.
- The property is large and there is ample room for parking on the site. In fact, the contractors who are putting sewer into the area are using part of the subject property as a holding area for their equipment.
- Is not familiar with the names of the residents who submitted letters of opposition; neither are nearby neighbours.

Staff:

- Not aware of any bylaw enforcement complaints being received about suites in the neighbourhood.

There were no further comments.

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3.5 Impacts of Secondary Suites in Accessory Buildings

- 3.5 Bylaw No. 9119 (TA03-0010) – THAT Section 9.5 – Secondary Suites of City of Kelowna Zoning Bylaw No. 8000 be amended to change the required height and location of a secondary suite on properly zoned properties; change the minimum private open space required; and add a lighted pathway from the front street to the accessory building.

Staff:

- The proposed text amendment adds a clause saying the accessory building cannot exceed 4.5 m or the height of the principal building on the lot; reinforces that a suite in an accessory building must be to the rear of the principal dwelling; and requires that where a secondary dwelling is permitted minimum 30 m² open space is provided per dwelling and a lighted pathway is provided between the front street and the accessory building.

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

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

There were no further comments.

3.4 1216 Graf Road North

- 3.4 Bylaw No. 9279 (Z04-0036) – Paul and Donna Robinson – Graf Road North

Council:

- Discussed whether they wished to receive a report from staff regarding the allegation by the applicant of the number of illegal suites on Graf Road, as it would be necessary to leave the Public Hearing open for this item since the report back would be considered new information.
- Agreed not to delay the applicant who has come forward for rezoning in good faith and in advance of establishing the proposed suite, and to not interfere with the current method of enforcing secondary suites.

4. TERMINATION:

The Hearing was declared terminated at 7:40 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am