

Public HearingMarch 20, 2007

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Rehearsal Hall, Kelowna Community Theatre, 1375 Water Street, Kelowna, B.C., on Tuesday, March 20, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michelle Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:03 p.m.
2. Mayor Shepherd advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan* 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 2, 2007, and by being placed in the Kelowna Daily Courier issues of March 13, 2007 and March 14, 2007 and in the Kelowna Capital News issue of March 11, 2007 and by sending out or otherwise delivering 268 letters to the owners and occupiers of surrounding properties between March 2, 2007 and March 7, 2007.

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 Bylaw No. 9709(Z06-0063) – Acorn Communities Ltd. – West Avenue – THAT Rezoning Application No. Z06-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, Block 1, District Lot 14, ODYD Plan 4743 and Lot 11, Block 1, District Lot 14, ODYD Plan 4743 and Lot 12, Block 1, District Lot 14, ODYD Plan 4743 and Lot 10, Block 1, District Lot 14, ODYD Plan 4743, located on West Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing zone be considered by Council.

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

- Letters of Opposition:
 - o Barry McDivitt, 408 West Avenue
 - o Hecht Holdings Inc., 473 West Avenue
 - o Charmain Schalm & Jonathon Fletcher, 2851 Abbott Street

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

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Applicants, John Hickey, Acorn Communities, and Jim Meiklejohn, Meiklejohn Architects

- Advised that the parking security and green space issues raised by the Advisory Planning Commission are being addressed.

Jim Hecht, Hecht Holdings Inc., 473 West Avenue

- Concerned about parking as there is already a parking shortage in the area.

Carol, West Avenue & Pandosy

- Concerned about the density of buildings being built around the West Avenue/Abbott Street/Pandosy Street area.
- Her business has suffered due to no parking in the area and she is concerned about the vacant City lot not being used to help with the parking shortage.

Council:

- Advised that staff are completing a parking assessment for the South Pandosy area and once that assessment has been completed, a decision will be made regarding parking issues in the area.
- Confirmed that it is part of the City's plan to have a parking lot on the west side of West Avenue.

Patricia Skidmore, 474 West Avenue

- Inquired if there will be a continuum of lighting and underground services in the area as a result of this development and whether or not the laneway access behind her office will still be accessible.
- Inquired as to the status of the linear park that was proposed from Pandosy to the water.
- Inquired whether once the parking is maxed in the City's parking lot, if a parkade is planned for the area.

Staff:

- Confirmed that there will be a continuation of the park through to Abbott Street and that there is a lane dedication on the east side.

Applicant, John Hickey, Acorn Developments

- Confirm that he is paying cash in lieu for 3 parking stalls and have reduced the number of units from 37 to 36.
- Confirmed that the laneway dedication plan has been prepared and is with the City for execution.
- Advised that the development will include a mix of studio apartments to 2-bedroom apartments and that the target market range from singles to families.

Staff:

- Confirmed that the cash in lieu will go into a fund to deal with parking issues in the area.

There were no further comments.

- 3.2 Bylaw No. 9745 (Z06-0067) – Michael, Courtney & Allison Ungaro (Brad Baxter) – Cushing Court - THAT Rezoning Application No. Z06-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 52, District Lot 136, ODYD Plan 37018, located on Cushing Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1S – Large Lot Housing with Secondary Suite zone be considered by Council.

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

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- Letters of Opposition:
 - o Nick & Nancy Imthorn, 2535 Wyatt Road
 - o Russell & Mary Vasselin, 1035 Cushing Court
 - o William & Trish Heimbecker, 2272 Rhondda Court
 - o Paddy & Anne Langmaid, 2533 Rhondda Court
 - o Yvonne Hildebrandt, 1027 Calder Court
 - o Perry Hildebrandt, 1027 Calder Court
 - o J.C. Johnson, 1025 Cushing Court
 - o Gloria Garrison, 1028 Cushing Court
 - o Henrietta & Larry Golemba, 1029 Calder Court
 - o Lori & Gord Mahoney, 2555 Wyatt Road
 - o Mary Durose, 2545 Wyatt Road
 - o Ronald & Sheila Milani, 2574 Rhondda Crescent
 - o Laurinda Amorim, 1031 Cushing Court
- Petition in Opposition (74 signatures from residents in the area)

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

Applicant, Brad Baxter

- Confirmed that additional will be a true mother-in-law suite as the mother-in-law will be residing in the building and no rent will be paid for the suite.
- Advised that this will never be a rental property, so long as Mr. and Mrs. Ungaro own the property.
- The children just purchased the property and the resident just lost her husband within the last year.

Council:

- Confirmed that the rezoning is required as the addition will have a separate kitchen.

Darcy McKinnon, 1023 Cushing Court

- Advised that his daughter just bought the property and confirmed that she has no intention of selling the property in the near future.

Gloria Garrison, 1028 Cushing Court

- Advised that she is opposed to the rezoning for the following reasons:
 - o Concerned that this property could be the first potential rental property in the neighbourhood;
 - o Traffic has already increased in the neighbourhood due to the new Kelowna Secondary School building;
 - o There are very few parking spaces on the street on Cushing Court;
 - o The road does not have sidewalks;
 - o Concerned about the loss of single-family dwellings in the area and does not want to be in an area with duplexes and secondary suites.
- Not opposed to extending the house, but concerned about the property having a second kitchen and laundry facilities.
- Concerned about the property being rented in the future should the Ungaro family sell the property.

Bill Heimbecker, 2272 Rhondda Court

- Would like to protect the quality of life and the integrity of the neighbourhood.
- Directed Council to specific sections of the City of Kelowna's Zoning Bylaw.

Judith Johnson, 1025 Cushing Court

- Feels that the structure does not fit with the style of the neighbourhood.

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Applicant, Brad Baxter:

- Advised that the parking issue is being addressed. There are currently 3 spots for parking in the front yard, together with a double garage. There will be more parking once the structure is built than there is now.
- Confirmed that the drawings are lacking in detail, however it is the intent not to make the structure look like a duplex, but rather a very large home.
- Confirmed that the size of the structure does meet the City's Bylaw requirements.

Staff:

- Confirmed that the development permit process will ensure that the structure conforms to the requirements of the Bylaw and the neighbourhood.

There were no further comments.

- 3.3 Bylaw No. 9746 (Z06-0070) – Irvin & Patricia Dyck – Bedford Road - THAT Rezoning Application No. Z06-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 32, Township 29, ODYD Plan KAP76256, located on Bedford Road, Kelowna, B.C. from the RR1 – Rural Residential 1 zone to the RR1s - Rural Residential 1 with Secondary Suite zone be considered by Council.

Councillor Day declared a conflict of interest as members of his family live in the surrounding area. Councillor Day left the Hearing at 6:54 p.m.

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

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

Applicant, Irvin Dyck

- Confirmed that the proposed suite is just under 90m².

Councillor Day returned to the Hearing at 6:57 p.m.

4. TERMINATION:

The Hearing was declared terminated at 6:57 p.m.

Certified Correct:

 Mayor

SLH/cjd

 Deputy City Clerk