

Public HearingJanuary 22, 2008

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 22nd, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Andre Blanleil and Brian Given.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Financial Services/Interim Director of Planning and Development Services, Paul Macklem; Current Planning Supervisor, Shelley Gambacort; Planner, Danielle Noble; 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 January 4th, 2008, and by being placed in the Kelowna Daily Courier issues of January 14th, 2008 and January 15th, 2008, and in the Kelowna Capital News issue of January 13th, 2008, and by sending out or otherwise delivering 392 letters to the owners and occupiers of surrounding properties between January 4th, 2008 and January 9th, 2008.

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. 9908 (Z07-0064) – Eckhard & Doris Krenz/(Lynn Welder Consulting Ltd.) – 932-932 Borden Avenue - THAT Rezoning Application NO. Z07-0064 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lots 1 & 2, D.L. 138, ODYD, KAS2435, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located on Borden Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone be supported by Council.

Staff:

- The multi-family dwelling has already been constructed and this application is necessary in order to legalize the already constructed four-plex.

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

- o Letter of Support:
 - Marlene Tomu, 1859 Ethel Street

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

Public HearingJanuary 22, 2008Lynn Welder Lalonde, Applicant:

- There is a small variance for the one sideyard set back; however a parking variance will not be required.
- The absentee owners purchased the property in 2005 and currently reside in Oregon.
- The purchasers were aware that the suites in the units were illegal, but purchased the property anyways as they did not anticipate any problems with the rezoning.
- Provided a detailed explanation as to how each of the units will be accessed.

Staff:

- Advised that any access concerns will be dealt with by the Inspection Services Department as a formal building permit application process will be required for this application.

Kim S., Tenant residing at 934 Borden Avenue

- This residence had been used as a four-plex prior to her moving in approximately five (5) years ago.
- If this application is not granted, 2 of the 4 tenants will have to vacate the property.

There were no further comments.

- 3.2 Bylaw No. 9909 (Z07-0090) – David Konfederak/(Ed Konfederak) – 435 Taylor Road - THAT Rezoning Application No. Z07-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 22, Twp. 26, ODYD, Plan 17343, ODYD, located on Taylor Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2s – Medium Lot Housing (with Secondary Suite) zone be considered by Council.

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.

Ed Konfederak, Applicant's Representative

- The current residence is non-conforming and needs too much work to be brought up to a liveable condition.

There were no further comments.

- 3.3 3.3 Bylaw No. 9910 (OCP07-0025) and Bylaw No. 9911 (Z07-0075) – Stephen & Michele Graham and 0790388 BC Ltd./(Grason Enterprises) - 130 Hartman Road and 915A-915B, 925 & 935 Rutland Road - THAT OCP Bylaw Amendment No. OCP07-0025 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated December 5, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26,

ODYD, Plan 15222, located at 130 Hartman Road, Kelowna B.C., from the RU1 – Large Lot Housing and the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

That Council forward Bylaw No. 9901 authorizing a Housing Agreement between the City of Kelowna and 0790388 BC LTD DBA (Grason Enterprises), which requires the owners to designate *4 dwelling units for owner occupied affordable housing* on Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna, B.C., for reading consideration.

Staff:

- A Housing Agreement will be brought forward in conjunction with this application.
- The proposed access to the development will be off the lane at McCurdy Road.
- Advised that a Petition has been received by the Planning Department which makes a specific reference to access to the development off of the laneway. The Petitioners want a portion of the lane to be block off and closed to vehicular traffic.
- The Works & Utilities Department does not want to block off or close the lane.

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

- o Letter of Opposition signed by:
 - Linda & Dwight Youmans (and their children, Kyle & Melissa), #1 & 2, 962 Duggan Court;
 - Margaret & Gordon Youmans, #2, 962 Duggan Court;
 - Ray & Miata Dubrule, 970 Duggan Court; and
 - Gayle Conlan, 105 McCurdy Road.

Staff:

- Advised that there are two (2) different affordable housing components related to this application (RM3 – Housing Agreement Bonus and OCP Amendment – Density Bonus). The applicant is proposing four (4) units (two (2) over and above the City's requirements)
- The proposed access design off of the laneway will be one-way and the Works & Utilities Department does not have any concerns with this type of access.
- The Transportation Division does not feel that there is any need to close off access to the laneway.

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

Stephen Graham, Applicant:

- Lives at 925 Rutland Road and is aware of the issues surrounding Duggan Court.
- Have been working with the Planning Department to minimize any traffic impacts that affect Duggan Court.
- Confirmed that once you are in the development, there is no way to get back onto McCurdy Road or Duggan Court.
- Confirmed that there will only be One-way traffic only in the laneway.
- Advised that a poll of the neighbourhood was conducted back in May 2007 and there did not appear to be any opposition to the development.
- Advised that there has been an Increase to the "visitor parking" within the parkade for longer-term visitor parking.
- Confirmed that they have discussed the terms of the Housing Agreement with the Community Planning Manager.

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- Confirmed that in order to prevent people from flipping a unit, a Covenant will be registered on the title to the "affordable housing" units for a period of seven (7) years which will limit the listing price should an initial purchaser wish sell of a unit.

Don, Resident of Duggan Court:

- Concerned about traffic in the laneway as the public will use Duggan Court to access the laneway.
- Would like access to the laneway blocked off at Duggan Court in order to prevent people from using Duggan Court as an access way.
- Believes the laneway may have an easement registered against it.

Stephen Graham, Applicant:

- It is his understanding that a sewer line runs down the lane which is used by Duggan Court residences.
- Believe that some people have a rear yard driveway access off of the laneway and that most people don't even know the access to the laneway is there.

Staff:

- Confirmed that an easement could be placed on the private section of the laneway in favour of the City which would allow for public access.

Stephen Graham, Applicant:

- Would be opposed to an easement being placed on the laneway for public access as it is possible there may be a very large children's play area being erected for the development.
- Access through the laneway was designed to be one-way only.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:45 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld