

Public HearingMay 31, 2011

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 31st, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig*, Robert Hobson*, Charlie Hodge, Graeme James, Angela Reid-Nagy, Michele Rule and Luke Stack.

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: Acting City Manager, John Vos; Deputy City Clerk, Karen Needham; Director, Land Use Management, 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.

Councillor Hobson joined the meeting at 6:05 p.m.

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 13, 2011 and by being placed in the Kelowna Daily Courier issues of May 24, 2011 and May 25, 2011, and in the Kelowna Capital News issue of May 22, 2011, and by sending out or otherwise delivering 1,170 letters to the owners and occupiers of surrounding properties between May 13, 2011 and May 20, 2011.

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. 10533 (Z10-0103) - T & A Synergy Enterprises Ltd. (Worman Commercial) - 1810-1824 Gordon Drive - THAT first, second and third readings of Bylaw No. 10503 be rescinded;

THAT Rezoning Application No. Z10-0103 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, District Lot 138, ODYD, Plan KAP73230, located at 1810-1824 Gordon Drive, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Fortis BC being completed to their satisfaction;

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AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property.

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.

Councillor Craig joined the meeting at 6:11 p.m.

Shane Worman, Worman Commercial, Applicant's Representative

- Believes that even though the subject property is within the urban town centre, it is expected that the additional parking being provided on site will be utilized by the tenants of the building.
- Advised that City staff did not raise the issue of placing a crosswalk in the vicinity of the development.

There were no further comments.

- 3.2 Bylaw No. 10534 (Z11-0010) - Dwayne & Gayle Forster (Axel Hilmer) - 914 Kennedy Street - THAT Rezoning Application No. Z11-0010 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Section 29, Township 26, ODYD Plan 15423, located on Kennedy Street, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

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

- Letters of Opposition:
 - Lyle & Esther Wyatt, 864 Kennedy Street
 - Brian Rea, 874 Kennedy Street
 - Sharon Delparte & Barry Wilson, 881 Pitcairn Court
 - Kurt & Janet Kofer, 865 Kennedy Street
 - Marino & Bernadette Bigattini, 1746 Tronson Drive
 - Julianne Pells, 895 Kennedy Street

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

Axel Hilmer, Applicants' Representative

- Displayed a drawing of what was previously proposed under the initial RU6 zone application.
- Displayed a drawing of what is now being proposed under the RU1s zone and confirmed that the proposed structure is smaller and lower than what was being considered for the RU6 zone.
- Displayed a photo of a similar structure that was erected on Raymer Road.

Dwayne Forster, Applicant

- Currently resides at 914 Kennedy Street and advised that he has resided in the Glenmore area since 1984.
- Confirmed that he has read all of the letters that were submitted as a result of the application.
- Advised that the subject property is a corner lot and borders a four-way stop.
- Does not believe that there is a traffic concern in the area as Kennedy Street is a very quiet street.
- Advised that proposed carriage home will be off of Tronson Road and not Kennedy Street.
- Feels that the proposed structure will blend into the area very well.
- Does not believe that there will be a parking issue in the area as he has provided for ample on-site parking and the properties across the street have also have ample on-site parking.
- Confirmed that he reviewed the Official Community Plan prior to making this application and the application is in accordance with the Official Community Plan.
- Believes that most of the traffic going to Glenmore Elementary comes off Mountain Avenue.
- Believes that the subject property is set up properly for a carriage house.
- Advised that there is a two-car driveway on the site as well as a single car garage.
- Advised that the access to the carriage house will be off of Tronson Road.
- Confirmed that there will be two (2) driveways that access the site, one (1) for the carriage house and one (1) for the main residence.

Staff:

- Advised that the Development Engineering Branch has agreed to a second driveway on the subject property.
- Advised that the Applicant is required to provide a corner rounding.

Gallery:Bernadette Bigattini, 1746 Tronson Drive

- Opposed to the rezoning application.
- Believes that Kennedy Street is a busy street and advised that the residents in the area have requested traffic calming for the area.
- Believes that once the carriage house is constructed, there will be additional cars parked on the street.
- Advised that she is opposed to having another driveway adjacent to her fence as her garden is located in that area.
- Believes that her garden and her privacy will be impacted by the second dwelling.
- Confirmed that she is mostly concerned about the extra people living on the site and the traffic impacts.

Sharon Delparte, 881 Pitcairn Court

- Expressed a concern with the traffic impact as there are a lot of children who walk to and from the school in the area.
- Advised that when the house was a rental, there was a lot of traffic coming and going from the property.
- Expressed a concern with the second driveway being permitted on the site.

Dwayne Forster, Applicant

- Advised that the side yard setback on the south side of the structure was adjusted in order to minimize the shadowing on the adjoining property's garden.
- Advised that he has been trying to work with the neighbours in the area to address any concerns.

Acting City Manager:

- Provided comment with respect to the second driveway on the subject property.

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- Used Google Maps to display the subject property and the surrounding neighbourhood.

Sharon Delparte, 881 Pitcairn Court

- Commented that most of the properties in the area may appear to have two (2) driveways, but they are still single-family dwellings and the driveways are typically used for the storage of vehicles, such as RV's.

Dwayne Forster, Applicant

- Advised that there is enough space between the two (2) driveways on the subject property for additional parking.
- Advised that the only reason he is proposing a second driveway is because the Development Engineering Branch approved it.

There were no further comments.

- 3.3 Bylaw No. 10535 (Z10-0038) - Norman and Michael Major - 5500 McCulloch Road
 - THAT Rezoning Application No. Z10-0038 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Section 6, Township 27, ODYD, Plan KAP50962, located at McCulloch Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with a secondary suite zone to construct a secondary suite within an accessory building be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Interior Health, South East Kelowna Irrigation District, and Environmental Land Use Branch being completed to their satisfaction.

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.

Norman Major, Applicant

- Advised that McCulloch Place is located on the subject property and he is the resident nurse on the site. The people who reside at McCulloch Place require on-site care.
- Would like to construct the carriage house so that he and his family can reside on the site.

There were no further comments.

- 3.4 Bylaw No. 10536 (Z11-0018) - Gwynne Johnson - 1500 Friesen Road - THAT Rezoning Application No. Z11-0018 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Section 35, Township 26, ODYD Plan 18660, located on Friesen Road, Kelowna, BC from the RR3 - Rural Residential 3 zone to the RU6 -Two Dwelling Housing zone, be considered by Council;

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AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the discharge of the restrictive covenant;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

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

- Letters of Opposition:
 - Tammy & Chad Reynolds, 1520 Friesen Road
 - G. Cadman, 1560 Friesen Road
 - Catherine McNevin & Greg Greenough, 1530 Friesen Road
 - Jim Meiklejohn, Meiklejohn Homes, 445 Edith Gay Road
- Letter of Concern:
 - Rose Makelki, 380 Edith Gay Road

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

William Houghton, Applicant's Representative

- Believes that the proposal will work well with the property.
- The development is being designed for access off of both Edith Gay Road and Friesen Road.
- Believes that the privacy concerns raised by the neighbours may be related to the second floor of the development.
- Believes that the development will be a benefit to the residential area.

Rose Makelki, 380 Edith Gay Road

- Expressed a concern with the setbacks for the structure as her property borders the back of the lot.
- Expressed a concern with her privacy given that both proposed patios for the structure look directly into her backyard.
- Expressed a concern with the lack of green space being provided.

Staff:

- Confirmed that the proposal meets the side yard setback requirements of the City.
- Advised that there has not been any variances identified based on the submission received by City staff.
- Confirmed that the application complies with the future land use designation for the subject property and will not require an Official Community Plan amendment.

William Houghton, Applicant's Representative

- Advised that the owner of the property would be willing to redesign the structure to mitigate the concerns of the neighbours with respect to privacy.
- Advised that it is the intention of the property owner to reside in one-half of the duplex. The property owner has not yet decided whether she is going to rent the other half or sell it.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 7:09 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk