

Public HearingAugust 23, 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, August 23rd, 2011.

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

Council members absent: Councillor Angela Reid-Nagy.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Supervisor, Urban Land Use, 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 2030 - Official Community Plan Bylaw No. 10500" 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 August 5, 2011 and by being placed in the Kelowna Daily Courier issues of August 15, 2011 and August 16, 2011, and in the Kelowna Capital News issue of August 16, 2011, and by sending out or otherwise delivering 903 letters to the owners and occupiers of surrounding properties between August 5, 2011 and August 12, 2011. For convenience, information regarding this Public Hearing is also available at kelowna.ca.

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.

Mayor Shepherd advised that due incorrect information on the Development signage, Council's consideration of Agenda Item No. 3.3 will have to be deferred until after 7:00 pm.

3. INDIVIDUAL BYLAW SUBMISSIONS
 - 3.1 Bylaw No. 10575 (Z11-0049) - Corey Knorr Construction Ltd. - 925 Gibson Road - THAT Rezoning Application No. Z11-0049 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, Section 25, Township 26, ODYD Plan KAP89147, located at 925 Gibson Road Lambert Avenue, 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 the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

The 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.

Corey Knorr, Corey Knorr Construction Ltd., Applicant

- Advised that his clients have requested that a basement suite be incorporated into the new residence in order to generate revenue.

Gallery:

Janet Teske, 1310 Gibson Road

- Has lived on Gibson Road for the past 16 years.
- Opposed to the rezoning.
- Expressed a concern with traffic safety and displayed photos of the area to illustrate her concerns.
- Believes that there is a visibility problem for drivers turning left from Hartman Road to Gibson Road.
- Requested that Council postpone the suite approval until something can be done to the existing grade on Gibson Road and some method of entering the traffic flow in a forward manner be devised.
- Submitted her speaking notes for the public record.

Staff:

- Confirmed that the Development Engineering Branch did not make comment with respect to driveway access.
- Advised that there is no requirement for infrastructure upgrades (sidewalks etc.) to be triggered by the development of the subject property.

Corey Knorr, Corey Knorr Construction Ltd., Applicant

- Confirmed that Corey Knorr Construction Ltd. was the developer of the original parent parcel.
- Confirmed that cash-in-lieu was provided by the developer at the time the parent parcel was rezoned and subdivided.
- Confirmed that the residence includes a double-car garage with a double driveway.
- Believes that there is enough of a boulevard along the property to avoid vehicles having to back directly onto Gibson Road.

There were no further comments.

- 3.2 Bylaw No. 10576 (Z11-0050) - Corey Knorr Construction Ltd. - 945 Gibson Road - THAT Rezoning Application No. Z11-0050 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, Section 25, Township 26, ODYD Plan KAP89147, located at 945 Gibson Road Lambert Avenue, 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 the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

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

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

Corey Knorr, Corey Knorr Construction Ltd., Applicant

- Wants to incorporate a basement suite in the residence as he feels that purchasers in today's real estate market are looking for mortgage helpers.

Councillor Craig joined the meeting at 6:29 p.m.

Gallery:

Janet Taske, 1310 Gibson Road

- Believes that the lot size is too small to accommodate more than a single-family residence.
- Opposed to the rezoning.
- Submitted her speaking notes for the public record.

There were no further comments.

- 3.4 Bylaw No. 10579 (Z11-0024) - Davara Holdings Ltd. - 120 Leathead Road - THAT Rezoning Application No. Z11-0024 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan KAP64894, located on 120 Leathead Rd, Kelowna, BC from the C2 - Neighbourhood 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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT Council forward Bylaw No. 10574 authorizing a Housing Agreement between the City of Kelowna and Davara Holdings Ltd., Inc. No. BC797640 which requires the owners to provide 8 purpose built rental units for a period of ten years on Lot 1 Section 26 Township 26 ODYD Plan KAP64894, located on 120 Leathead Rd, Kelowna, BC, for reading consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a restrictive covenant on title serving to restrict the development potential of the subject property to only what development statistics are proposed regarding the Floor Area Ratio and height and not the full potential of the C4 zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Fortis and the Black Mountain Irrigation District being completed to their satisfaction.

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

- Additional Information submitted by the Applicant:
 - A package of 6 letters of support as submitted by the Applicant.

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

David Sargent, Davara Holdings Ltd., Applicant's Representative

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- Gave a presentation with respect to the proposed rezoning.
- Confirmed that the parking area will be accessed through the rear lane.
- Provided details with respect to the type of rental units that will be available.
- Advised that the residential tenants will share the parking lot with the retail tenants.
- Confirmed that there will be retail entrances along all the frontages of the development.
- Advised that the two (2) adjacent property owners have submitted letters of support for this rezoning.

There were no further comments.

- 3.5 Bylaw No. 10580 (Z11-0045) - Nathan & Kerri Frey - 1392 Kloppenburg Road - THAT Rezoning Application No. Z11-0045 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 7, Section 13, Township 26, ODYD Plan KAP80103, located on Kloppenburg Road, Kelowna, BC from the RU1h - Large Lot Housing (Hillside) zone to the RU1hs - Large Lot Housing (Hillside) 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 Black Mountain Irrigation District being completed to their satisfaction.

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

- Letter of Opposition:
 - Jean-Noel Robert, 1366 Kloppenburg Road

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

Nathan Frey, Applicant

- Believes that there is ample on-site parking and advised that the suite occupants will use the gravel parking area.
- Believes that the suite is suitable for the area.

There were no further comments.

- 3.6 Bylaw No. 10581 (Z11-0040) - Scott & Allyson Graf (Scott Graf) - 1275 Rodondo Place - THAT Rezoning Application No. Z11-0040 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Sec. 6 Twp. 23, O.D.Y.D, Plan 30420, located on Rodondo Place, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RU1s - Large Lot Housing with Secondary Suite zone, 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;

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

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

- Letter of Opposition:
 - Roger Gale, 294 Rialto Drive

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

Scott Graff, Applicant

- Advised that when he purchased the property over a year ago, there was already an existing suite in the basement.
- Confirmed that he is aware that there will be upgrades required to the suite in order to bring it in compliance with the BC Building Code.

There were no further comments.

3.6(a) ADJOURN TO REGULAR MEETING

The Hearing adjourned to a Regular Meeting at 6:48 p.m.

3.6(b) RECONVENE PUBLIC HEARING

The Hearing was reconvened at 7:01 p.m.

- 3.3 Bylaw No. 10578 (Z11-0055) - Tracie Ward - 1075 Wintergreen Drive - THAT Rezoning Application No. Z11-0055 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 22, District Lot 135, ODYD, Plan 39898, located at 1075 Wintergreen Drive, Kelowna, BC from the RU2 - Medium Lot Housing zone to the RU2s - Medium Lot Housing with Secondary Suite zone, be considered by Council;

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

AND FURTHER THAT a Building Permit for the suite be applied for prior to final adoption of the zone.

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

- Letters of Opposition:
 - Glenn Kohaly and Virginia de Jong, 1122 Wintergreen Drive
 - Thomas and Arlene Hawrelak, 1052 Wintergreen Drive (2)
 - Dina Sourisseau, 304-3320 Richter Street
 - Morris and Shirley Buchy, 1032 Wintergreen Drive
 - Judy and Fred Chapman, 1035 Wintergreen Drive
 - Kathryn and Leonard Jupp, 1140 Wintergreen Crescent
 - Jim and Ann Garrett, 105 Wintergreen Drive
 - Ian Turner and Jackie Wardill, 1131 Wintergreen Crescent
 - Lori and Gerald McAleese, 1065 Wintergreen Drive (2)
 - Jack and Pat Pardue, 1045 Wintergreen Drive
 - Bryce Zorn, 1080 Invermere Road
 - Vivian and Calvin Sawchuk, 3521 Athalmer Road
 - Michael Kelly, 1092 Invermere Road

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- Hugo and Jayne Koller, 1151 Wintergreen Crescent
- Debbie Haines, 3515 Windermere Road
- Letter of Response:
 - A letter of response was submitted by the applicant, Tracie Ward, 1075 Wintergreen Drive, in response to the comments regarding parking on the subject property.
- Petition of Opposition:
 - A petition of opposition signed by 67 owners/occupants of the surrounding area as submitted by Fred Chapman of 1035 Wintergreen Drive.

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

Tracie Ward, Applicant

- Gave a presentation regarding the proposed rezoning.
- Expressed a concern that many of the submissions in opposition to this rezoning application seem to be addressing issues of concern related to the proposed multi-family project at the end of Barnes Road.
- Advised that her retirement plan is to live in the suite and rent out the main area of the residence.
- Advised that the all of the renovations will be done to code and will meet all the requirements to create a safe secondary suite.
- Believes that issues raised in regards to the transient nature of renters and other stereotypical unsavoury characteristics of renters seem irrelevant to her rezoning application.
- Advised that there are 4 on-site parking spots (2 in the garage and 2 on the pad).
- Believes that the issues among the neighbours in regards to on-street parking and other parking issues are more of a Bylaw Enforcement issue that is directly related to her rezoning application.
- Confirmed that she did not canvass the neighbours regarding her proposed rezoning.
- Displayed a copy of the site plan to illustrate where the suite will be located within the residence.
- Confirmed that there will not be any changes to the exterior of the building.

Gallery:Lori McAleese 1065 Wintergreen Drive

- Opposed to the rezoning application.
- Advised that she was not approached by the Applicant with respect to the rezoning.
- Believes that the suite will have a negative impact on her pet occupants.
- Expressed a concern that the suite will have a negative impact on her property value and her enjoyment of her property.

Fred Chapman, 1035 Wintergreen Drive

- Confirmed that the Petition in Opposition of the rezoning was initiated and submitted by him and his wife.
- Opposed to the rezoning.
- Believes that due to the fact that the homes in the neighbourhood do not have basements (only crawl spaces), the subject property is not designed to accommodate a suite.
- Expressed a concern with the lack of sidewalks in the neighbourhood.
- Displayed a map of the Petition area to illustrate which area of the neighbourhood he and his wife canvassed.

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- Displayed the City's map of the subject area and expressed a concern with traffic congestion due to drivers cutting through the neighbourhood to get to Lanfranco Road.

Leonard Jupp, 1140 Wintergreen Crescent

- Believes that this will set a precedent for secondary suites in the area.
- Opposed to the rezoning.
- Expressed a concern with the amount of traffic cutting through the neighbourhood to get to Lanfranco Road.

Tracie Ward, Applicant

- Believes that her proposal is not out of the ordinary.
- Does not believe that the traffic short cutting has anything to do with her rezoning application.
- Advised that the main entrance to the suite will be within the garage. Because she will be living in the suite, she will be parking her car in the garage and using the garage entrance.
- Feels that the lot size of the property is quite large and can support the proposed rezoning.
- Advised that a new floor plan was submitted with the Building Permit Application.
- Confirmed that there is a side door access to the garage.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:01 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld