

Public HearingNovember 15, 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, November 15th, 2011.

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

Council members absent: Mayor Sharon Shepherd and Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Deputy Mayor Reid-Nagy called the Hearing to order at 6:00 p.m.
2. Deputy Mayor Reid-Nagy 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.

Councillors Hobson and Rule joined the meeting at 6:02 p.m.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 28, 2011 and by being placed in the Kelowna Capital News issue of November 4, 2011 and November 8, 2011, and by sending out or otherwise delivering 1,618 letters to the owners and occupiers of surrounding properties between October 28, 2011 and November 4, 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.

3. INDIVIDUAL BYLAW SUBMISSIONS
- 3.1 Bylaw No. 10622 (Z11-0071) - David Mathieson and Nancy Hoehring/David Mathieson - 3990 Hart Road - THAT Rezoning Application No. Z11-0071 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Sections 4 and 9, Township 26, ODYD, Plan KAP73101, located on 3990 Hart Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, be considered by Council;

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 requirements of the Development Engineering Branch, the South East Kelowna Irrigation District, and the Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT the suite be eligible for final occupancy prior to final adoption of the zone.

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

Deputy Mayor Reid-Nagy invited the Applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. It was noted that the Applicant was present in the gallery, but did not have anything to add to staff's comments. No one else came forward.

- 3.2 Bylaw No. 10623 (Z11-0041) - Craig Winnick and Nigel Allan/Craig Winnick - 865 Paret Road - THAT Rezoning Application No. Z11-0041 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of a portion of Lot A, D.L. 579, S.D.Y.D., Plan KAP68860, Exp. Plan KAP74689, located on Paret Road, Kelowna, BC from the RR1 - Rural Residential 1, RU1 - Large Lot Housing and A1 - Agriculture 1 zones to the RU1s - Large Lot Housing with secondary suite zone, as shown on Map "A", attached to the report of the Land Use Management Department, dated September 30, 2011, 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 THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Environment and Land Use Branch being completed to their satisfaction.

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

- Letter of Opposition:
 - Shane Andrews, 1083 Paret Crescent

Deputy Mayor Reid-Nagy invited the Applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. It was noted that the Applicant was present in the gallery, but did not have anything to add to staff's comments.

Gallery:

Robert Hewston, 1063 Paret Crescent

- Advised that he is not opposed to the secondary suite, but would like the following questions answered:
 - Does the property owner own all of the lands?
 - Is the property owner responsible for any landslides that could happen as a result of the development? The land is quite steep and unstable.
 - Will there be access from Paret Crescent as well as Paret Road?

Staff:

- Confirmed that the subject property is all one parcel and therefore is owned by the same property owner.
- Advised that there will not be any access from Paret Crescent.

Mike Karran, 1132 Steele Court

- Expressed a concern that some of the lots on Steele Road are engineered lots and should not be constructed upon.
- Inquired as to whether or not the City will be requesting a No Build Covenant on the subject lands.

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Gord Sauer, 1071 Paret Crescent

- Expressed a concern with the topography of the subject property and inquired as to who will be liable if there is a landslide.

Staff:

- Confirmed that a portion of the property is within a Natural Environment and Hazardous Condition Permit area.
- Confirmed that there will be a No Disturb/No Build Covenant registered against the remaining portion of the subject property.

Rhonda Skeldon, 1077 Paret Crescent

- Expressed a concern with the topography of the site and inquired as to who will be liable if there is a landslide.

David Englert, 1023 Paret Crescent

- Expressed a concern with the topography of the site and inquired as to who will be liable if there is a landslide.
- Advised that he already experienced problems with his property when the residences on Steele Court were constructed.

Staff:

- Advised that the A1 zoning over a portion of the subject property is a carry-over from when the parent parcel was subdivided.

Craig Winnick, Applicant

- Advised that there are no plans to construct anything on the hillside.
- Advised that the access point on Paret Crescent is actually for a storm drain in the area so that crews can get to the storm drain in order to do any maintenance.

Staff:

- Advised that there are not any No Build/No Disturb Covenants currently registered on the subject property.

There were no further comments.

- 3.3 Bylaw No. 10625 (OCP11-0015) - Trustees of Congregation of St. Paul's United Church/Rob Couch - 3131 Lakeshore Road - THAT OCP Bylaw Text Amendment No. OCP11-0015 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by deleting the Temporary Use Permit Area table 4.3 in Chapter 4 - Temporary Use Permits and replacing it with a new table as per Table "A" attached to the report of Land Use Management Department, dated October 14, 2011 be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated October 14, 2011;

AND THAT the OCP Bylaw Amendment No. OCP11-0015 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the OCP Amendment be considered in conjunction with Council's consideration of a Temporary Use Permit on the subject property.

Staff:

- Advised that Table "A" attached to Bylaw No. 10625 need to be amended to read the following:

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- Temporary Use Type - Non-Accessory Parking use for a portion of the Church parking area;
- Effective Dates - Three years from date of issuance - November 15, 2014;
- Designated Permit Area - Legal Description: Lot 1, District Lots 14 & 135, ODYD, Plan 34984 except Plans 35454 & KAP67299; Street Address: 3131 Lakeshore Road.

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

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

Rob Couch, Applicant

- Advised that he is the Chair of the Development Steering Committee for St. Paul's Church.
- Advised that the proposed rezoning and Temporary Use Permit would allow the Church to implement a pay-parking strategy and that the Church has hired a parking consultant to assist with the implementation of the strategy.
- Advised that the majority of the Church property is designed for parking and that over the past few years, there has been an increased use of the parking lot by neighbouring business and the members of the public.
- Advised that the Temporary Use Permit is required in order for Diamond Parking to take on the liability with respect to parking maintenance.

There were no further comments.

- 3.4 Bylaw No. 10626 (OCP11-0012) and Bylaw No. 10627 (Z11-0027) - David and Joan Richter/IHS Designs - 964-968 Borden Avenue - THAT OCP Bylaw Amendment No. OCP11-0012 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 2, District Lot 138, ODYD, Plan 3182, located at 964-968 Borden Avenue, Kelowna, BC 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 Land Use Management Department dated October 14, 2011, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated October 14, 2011;

AND THAT Rezoning Application No. Z11-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD, Plan 3182, located at 964-968 Borden Avenue, Kelowna, BC, Kelowna BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT OCP Bylaw Amendment Application No. OCP11-0002 and Rezoning Application No. Z11-0027 be forwarded to a Public Hearing;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

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AND FURTHER THAT final adoption be considered subject to a Building Permit application being made for the legalization of the existing dwelling units.

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

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

Dave Richter, Applicant

- Believes that the four-plex would integrate nicely into the neighbourhood.
- Advised that the structure was constructed on the site in 1992 and that he purchased the property in May of 1994.
- It was his understanding the structure was originally constructed to be used as a multi-unit building.
- Tried to rezone the property several times in the past, but never proceed with the rezoning application as there was a requirement by the City that he construct a laneway in the back of the property.
- Advised that he spoke with each of his immediate neighbours with respect to the proposed OCP amendment and rezoning application.
- Confirmed that he is providing the required number of on-site parking spots.
- Advised that when he purchased the property, it contained three (3) kitchens and that he has subsequently added another kitchen.

Gallery:

Tina Kennedy, 935 & 953 Borden Avenue

- Lives across the street from the subject property and expressed a concern with parking on the site.
- Advised that when the Applicant approached her about this application, the property was not occupied, but since that time there are now people residing on the site.
- Now that the property is occupied, she has noticed that there are approximately 7 vehicles parking on the site and that there are approximately 4-5 cars constantly parked in front of her property.
- Her main concerns are parking in the area and the beautification of Borden Avenue.

Anna, 945 Borden Avenue

- Lives across the street from the subject property.
- Would prefer not to have four-plexes in the area.
- Believes that there is already a parking problem on Borden Avenue.
- Expressed a concern with neighbourhood safety.

Dave Richter, Applicant

- Agrees that there is a problem with on-street parking in the area, but that it is a neighbourhood problem and not a direct result of his property.

Staff:

- Advised that staff will ensure that the on-site parking requirements have been met as part of the development approval process and that the Development Permit will require Council approval.

City Clerk:

- Confirmed that there have been Bylaw Enforcement complaints/requests with respect to the 900 block of Borden Avenue which are related to traffic and parking enforcement.
- Confirmed that there is an active Bylaw Enforcement file related to the subject property.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 7:11 p.m.

Certified Correct:

Deputy Mayor Reid-Nagy

City Clerk

SLH/dld