



City of Kelowna Public Hearing Minutes

Date: Tuesday, August 11, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Deputy Mayor Luke Stack, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent Mayor Colin Basran

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Manager, Ryan Smith; Community Planning Supervisor, Linsley Ganczar*; Parking Services Manager, Dave Duncan*; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the Hearing to order at 6:00 p.m.

Deputy Mayor Stack 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.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 28, 2015 and by being placed in the Kelowna Capital News issues on Friday July 31 and Wednesday, August 5, 2015 and by sending out or otherwise delivering 140 statutory notices to the owners and occupiers of surrounding properties, and 5844 informational notices to residents in the same postal delivery route, between July 28 and July 31, 2015. 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 No. 309.

3. Individual Bylaw Submissions

3.1 BL11114 (TA15-0006), Proposed Text Amendment to Zoning Bylaw No. 8000
 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

3.2 561 McKay Avenue, BL11120 (OCP15-0009) & BL11121 (Z15-0026) - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence had been received.

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

There were no further comments.

3.3 310 Mugford Road, BL11122 (Z15-0017) - Harjinder, Jaswinder & Swaran Malhi

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Letters of Concern or Opposition

Veronique Broger and Will Brundula, Mugford Road
Noreen Carter, Mugford Road

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

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- Made reference to staff's report and indicated information that was missing.
- The Applicant wants to rezone to RU2 in order to subdivide the property into two lots with the intention of building a home on one lot with a suite for their parents and sell the second lot.
- Displayed numerous sketches and photographs identifying different aspects of the application.
- The Applicant's home will be two storey with the suite located at the rear designed as a walk in and walk out with no steps.
- The dwelling is not a large structure and would cover only 39% of this property. There will be a driveway and 2 car garage and will not infringe on on-street parking.
- The property is located in the Rutland Urban Centre. The OCP encourages compact urban growth and redevelopment in these kinds of areas.
- The neighbourhood is predominantly 2 storey homes. There are a number of homes in the area with secondary suites.
- Responded to questions from Council.

Gallery:

Sylvia McConnell, Mugford Road

- Raised concerns with the impact the development would have on the privacy she enjoys at her home.
- Raised concern with increased traffic and parking.
- Opposed to this application.
- Responded to questions from Council.

Birte Decloux, Applicant Representative

- Parking will be accommodated within the home.
- BC Building Code requires a certain fire separation between structures and minimizes privacy issues.
- Responded to questions from Council.

There were no further comments

**3.4 140 Mugford Road, 405 & 425 Rutland Road, BL11123 (Z15-0010) - RA
Quality Homes Ltd.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence had been received:

Letters of Concern or Opposition

Jody Dais and Leroy Chase, Mugford Road

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

Doug Lane, Architect on behalf of Applicant:

- Available for questions.

Gallery:

Nancy Ryan, Rutland Road North

- Owner of adjacent property that has the encroaching accessory building.
- Does not think it's fair that the property owner has to remove the accessory building at their expense.
- Stated that at the time of purchasing the property the Realtor advised that the garage could stay and in the unlikelihood that it had to be removed it would be at the City's cost.
- Raised concern with impact on privacy with the development off the laneway as their property is already on the corner.
- Raised concern with increase of criminal activity and vandalism.
- Raised concern with parking as the area is currently congested.
- Raised concern with snow removal.
- Responded to questions from Council.

Beth Veenkamp and Michelle Fitzgerald, Sadler Road

- Raised concern with lane access and traffic implications that the development would bring.
- Suggested the city engage in a traffic study plan.

- Currently there are 2 speed bumps on Sadler Road to assist with traffic calming.
- Raised concern with lack of sidewalks on Sadler Road with heavy pedestrian traffic.
- Responded to questions from Council.

Staff:

- Confirmed the proposed development would have two lane way accesses.

Resident, Rutland Road

- Inquired if future roads could eliminate the need for the lane.
- Raised concern regarding traffic and suggested improvements.

Rick Martin, Rutland Road

- Do not have financial resources to remove the accessory building.
- Raised concerns with the increased traffic the laneway will generate.
- Commented on improvements made to the accessory building over the years.
- Raised concern where to park their multiple vehicles if accessory building is removed.

Tony Khunkhun, Mugford Road, Applicant

- Acknowledged traffic concerns raised.
- Confirmed that the development would have two lane accesses; one off Rutland Road North and one off of Mugford Road. Believes it will be a low traffic impact to the neighbourhood.
- Offered to pay for removal of accessory building at his expense.
- The neighbouring property (former Church) is owned by the city and is being upgraded. This will be a rejuvenation to the neighbourhood.
- Responded to questions from Council.

There were no further comments

3.5 2124 Pandosy Street, BL11124 (HRA15-0001) - F. DeVilliers Medical Prof. Corp. et al

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence had been received:

Letters of Support or Conditional Support

Patrick Bentley, Beach Avenue
Karen Stewart & Harry Tonn, Francis Avenue
Sunil Mangal, West 8th Avenue, Vancouver, BC

Submission on behalf of the applicant

A two page submission of additional information as submitted by the applicant.

Letters of Concern or Opposition

Vicki Presley, Abbott Street
James Avery, Abbott Heritage Area Society, Abbott Street
Jan Bauman, Kelowna South Central Association of Neighbourhoods
Dwight and Barbara Carroll, Water Street
Rudy Schoenfeld, Maple Street
Ian Chrichton, Park Avenue

Janice Henry, Central Okanagan Heritage Society, Cameron Avenue
 Marten Gruenwald, Long Street
 Jillian Stamp and James Williams, Abbott Street
 Kelvin Hauta and Dee Capozzi, Cadder Avenue

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

Hazel Christy, Applicant Representative

- Provided a history of strata ownership of Cadder House.
- Clarified that a tax exemption agreement had been rescinded in the mid 2000's and currently there is no tax financial support.
- The owner's intention is to preserve this heritage house. There will be no change to the exterior or grounds of the house.
- Basement units now meet BC Building Code and are proposed to being part of one of the existing strata units.
- Provided a PowerPoint presentation outlining the Cadder House maintenance and operating costs.
- Noted the definition of commercial within the HRA is very limited.
- Met with immediate neighbours for consultation on the proposal. Reviewed 2 additional letters of support.
- Some units have been rented to individuals associated with the Kelowna General Hospital.
- Cadder House has enjoyed a long association with the Kelowna General Hospital.
- Responded to questions from Council.

Gallery:

Vern Miller, Cameron Avenue

- In support of the application.
- Holds the contract for grounds maintenance at Cadder House for past 7 years.
- Aware of the mounting future costs to keep the property up to standard.
- The location lends itself to commercial and short term residential uses. The need is there.

Neil Claire, Clinton BC

- Currently receiving care at the Cancer Clinic and resident of the Cadder House.
- The location of Cadder House is very convenient for patients at KGH.
- Short term rentals would be very convenient for patients.
- The property is an oasis in the neighbourhood.
- Believe the intent of the owner is sincere and solely for financial sustainability of the property and the house.
- In support of the current proposal.

Wayne Dodds, on behalf of Kelowna South Central Association of Neighbourhoods

- Referenced the letter from KSAN in the Council package.
- Supportive of the Heritage status.
- Should remain a residential building with no commercial at this time.
- The proposed HRA has many similarities to the HD3 zone which is not intended for residential properties.
- The proposed HRA seems to be putting the HD3 zoning into a residential house outside of the HD3 zone.
- Support the Cadder House remaining as residential.
- Responded to questions from Council.

Gary Chenko, Green Bay Road

- Alberta base businessman that lives in Kelowna.
- Supportive of short term rental use.
- Supports the application in its entirety.

Former Resident, Dubai

- Has lived in Dubai since 2008 but originally from Kelowna.
- Stayed at Cadder House when she came back to Kelowna to deliver her second child.
- There is a real need for short term rentals for hospital visits.
- Believes this application is a good compromise while keeping heritage status.
- In support of this application.

Briomy Cardiff, Sunset Drive

- Mother owns Unit 4 but needs to move due to health reasons.
- Supportive of rentals to hospital users.

Dr. Ethridge, Kelowna General Hospital

- This is an ideal location for a medical office which would not have a high turnover.
- Supportive of this proposal including commercial uses.

Katherine Wilner, Sunset Drive

- In favour of preserving the heritage stock of homes left in Kelowna.
- In support of this application.

Colin Meekum, Gallagher Road

- Has known the applicant for numerous years.
- Very Impressed with the current status of the Cadder House,
- As a stock broker I am not permitted to have a home based business and am required to have a separate office location. Would definitely be interested in renting one of the Cadder Houser basement suites as an office.
- Short term rentals are required for hospital users.
- In support of this application.

Jean Davis, Vancouver Cancer Care Worker

- In support of short term rentals for hospital uses.

Valerie Halford, Sutherland Avenue

- Current and former owner of a heritage property.
- It is a reflection on both past and current owners if the building has not been properly maintained.
- Has extensive history with implementation of the heritage area.
- Believes there are many options for short term stays in the area.
- Not in support of this application.

Resident (Dr.), Quilchena Drive

- In support of application including short term rentals.

Anne Laurie, Abbot Street

- Concern with proposed HRA is the uncertainty of the nature of secondary businesses.
- Limit uses to residents on a nightly, monthly or short term rental basis.
- Not in support of commercial use.

Janice Henry, Central Okanagan Heritage Society

- Referenced correspondence the Central Okanagan Heritage Society submitted.

- Cadder House is a designated Heritage Building which is one of 19 in Kelowna.
- The previous and current owners have not taken advantage of the heritage grants program over the past 8 years to assist with exterior maintenance costs. Can apply up to \$10,000 every three years.
- Noted that this is the second HRA application and what is stopping a third to change the use again.
- Proposed uses for the building should be narrowed.

Staff:

- Confirmed that an HRA is used in the same manner as a covenant on a property which restricts the uses on the property.

Hazel Christy, Applicant

- Confirmed that the owners had met with KSAN and AHAS and agreed to disagree on the HRA.
- Does not believe the HRA is equivalent to the HD3 zone. The HRA defines commercial use to one of four commercial uses.

There were no further comments

4. Termination

The Hearing was declared terminated at 9:20 p.m.

Deputy Mayor

/acm

City Clerk