

Public HearingJune 14, 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, June 14th, 2011.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Planner, Andrew Browne*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:01 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 May 27, 2011 and by being placed in the Kelowna Daily Courier issues of June 6, 2011 and June 7, 2011, and in the Kelowna Capital News issue of June 5, 2011, and by sending out or otherwise delivering 1,764 letters to the owners and occupiers of surrounding properties between May 27, 2011 and June 3, 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. 10541 (TA11-0002) and Bylaw No. 10542 (Z11-0015) - Interior Health Authority - 2268 Pandosy Street - THAT Text Amendment No. TA11-0002 to amend City of Kelowna Zoning Bylaw No. 8000, by creating the new HD1 - Kelowna General Hospital zone as outlined in Schedules 1 & 2 of the report of the Land Use Management Department dated May 4, 2011 be considered by Council;

AND THAT Rezoning Application No. Z11-0015 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A District Lot 14 ODYD Plan KAP91782, Except Air Space Plan KAP91784 addressed civically at 2268 Pandosy Street, Kelowna, BC from the P1 - Major Institutional zone to the HD1 - Kelowna General Hospital zone, be considered by Council;

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

AND FURTHER 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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Councillor Blanleil joined the meeting at 6:07 p.m.

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

- Letter of Opposition:
 - Marten Gruenwald, 2160 Long Street

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

Doug Levell, Applicant's Representative

- Displayed a KGH Model Video of the site which demonstrates the different viewsapes for the area.
- Gave a presentation with respect to the HD1 - Kelowna General Hospital zone.
- The site is currently zoned as P1 - Major Institutional.
- The principle use of the HD1 - Kelowna General Hospital Zone is "hospital" with secondary uses that are typical of hospitals throughout North America as they are intended to support hospital operations.
- Design Guidelines have been established for the HD1 zone and future development at KGH will be subject to those Design Guidelines.
- The main impetus for the HD1 zone is the need to replace the "Pandosy" building with the new Interior Heart and Surgical Centre, which has prompted a need to create a new zone that will permit proper control and enable future growth and development of the site.
- The zoning change will:
 - increase site density;
 - focus on hospital uses;
 - reflect the KGH Master Plan Projection for 20 year Growth; and
 - respect the neighbourhood.
- Parking in the HD1 zone will be determined pursuant to City of Kelowna Zoning Bylaw No. 8000.
- Recent development activity at the site has created an opportunity to refine the consultation process. Ongoing consultation has occurred with the KGH Neighbourhood Liaison Group with respect to:
 - the KGH Master Plan;
 - the Centennial & Clinical Support Buildings; and
 - the proposed HD1 zone.
- KGH commits to continuing the public consultation process and will follow any direction Council requests.

Gallery:Penny Pearson, 607 Glenwood Avenue

- In favour of the proposed HD1 zone with some conditions.
- There have been tremendous gains with KGH and the surrounding neighbourhood with respect to the public consultation process. Meetings and consultations were held with respect to matters that would impact the neighbourhood and some of the Design Guidelines were established based on the public consultation process.
- Believes that the HD1 Zone and Design Guidelines remove the public consultation process.
- Requested that the Bylaw be amended to require "public consultation".
- Expressed a concern with respect to noise from the site.

Staff:

- Confirmed that there is no mechanism that could be included in the Bylaw to require IHA to continue with the public consultation process.
- As part of the development permit process, any development permits will require Advisory Planning Commission consideration.

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City Clerk:

- Provided comment regarding the public consultation process.

Wally Lightbody, 2302 Abbott Street

- Supports Ms. Pearson's comments regarding the public consultation process.
- Made an inquiry with respect to the "dotted line" shown through Rose Avenue on the Public Notice that was sent out by the City.
- Inquired if the area next to Abbott Street will be developed for public parking.

Staff:

- Advised that the "dotted line" through Rose Avenue indicates a right of way area.

Doug Levell, Applicant's Representative

- Believes that the suggestions made by Council regarding the public consultation process can be dealt with.
- Confirmed that the "dotted line" represents the right of way along the Rose Avenue area.
- Advised that the public parking areas are yet to be determined.
- Confirmed that 2309 Abbott Street is the only property currently owned by IHA.

There were no further comments.

- 3.2 Bylaw No. 10543 (Z11-0016) - Andrew and Sandra Monck/Andrew Monck - 1229 Bothe Road - THAT Rezoning Application No. Z11-0016 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot G District Lot 131 ODYD Plan 37963, located at 1229 Bothe Road, 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 the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone amending bylaw.

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

- Letter of No Opposition:
 - Virgilio Lopes & Alexander Romanchuk, 1221 Ladner Road

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

Andrew Monck, Applicant

- Purchased the property approximately 4 years ago.
- Would like to provide his in-laws with their own living space.
- Advised that he has the support of his surrounding neighbours.

There were no further comments.

- 3.3 Bylaw No. 10544 (Z10-0104) - Eric and Margaret Nickel/Garry Tomporowski Arch. - 1205, 1215, 1223 and 1229 Richter Street - THAT Rezoning Application No. Z10-0104 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lots 10-13 District Lot 138 ODYD Plan 1039, located on Richter Street, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing 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 road closure bylaw for the affected portion of laneway and dedication by the landowner of the identified road widening on Richter Street;

AND THAT the owner be responsible for all legal, professional, advertising, Land Title Office, and other fees and charges resulting from the road closure and road dedication associated with this application;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject properties;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Real Estate & Building Services Department, and Regional Services Department (TDM) being completed to their satisfaction.

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

- o Letter of Conditional Support:
 - Joanne Richard, 725 Clement Avenue

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

Jay Gillman, Garry Tomporowski Architects, Applicants' Representative

- Nothing further to add to staff's comments.

Eric Nickel, Applicant

- As the development is only in the planning stage, he has not yet considered how he will ensure that any purchases are aware of the City's requirements with respect to home-based businesses.
- Advised that the development concept is very popular in Vancouver and other areas in the Province and that he will explore how those developments were marketed.

There were no further comments.

- 3.4 Bylaw No. 10548 (Z10-0095) - Jason Cliffe and Cheryl Fiske/Maryann Fiske - 3532 Kimatouche Road - THAT Rezoning Application No. Z10-0095 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 18, Section 3, Township 26, ODYD Plan KAP65948 located on Kimatouche Road, Kelowna, BC from the RR3- Rural Residential 3 zone to the RR3s - Rural Residential 3 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 THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of Southeast Kelowna Irrigation District being completed to their satisfaction;

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

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

- o Letters of Opposition:
 - David & Andrea Henseleit, 3903 Claxton Court
 - Philip Nell, 3549 Kimatouche Road
 - Steve & Leanne Kirschner, 3940 Flower Court
 - Don & Beverley Harrison, 3926 Claxton Court
 - Chris & Tim Hill, 3902 Claxton Court
 - Brad & Cindy Macaulay, 3580 Kimatouche Road
 - Ross & Lana Nunweiler, 3928 Flower Court
 - Ken & Joanne Hart, 3925 Flower Court

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

Cheryl Fiske and Jason Cliffe, Applicants

- Purchased the property in February 2010.
- Advised that they enjoy the integrity of the neighbourhood and do not want to change it.
- Advised that they are requesting a rezoning to the "S" designation so Ms. Fiske's mother can reside on the property and have her own living space.
- There has never been, nor will there ever be, any intention to use the secondary suite as a rental unit.
- Advised that there is enough space on the property to accommodate on-site parking for up to ten (10) vehicles.

Gallery:

Ken Hart, 3925 Flower Court

- Has been resident of the Okanagan area since 1992.
- He is concerned that a rezoning to the "S" designation could jeopardize the uniqueness of the neighbourhood.
- Believes that the dynamics of the neighbourhood would be in danger if rentals are allowed.
- Opposed to the rezoning application.
- Indicated that all of the residences in the neighbourhood are owner-occupied.

Philip Nell, 3549 Kimatouche Road

- Opposed to the rezoning.
- Originally bought into a single-family neighbourhood and does not want that dynamic to change.
- Suggested that the "S" designation be limited to certain areas of the City.

Don Harrison, 3926 Claxton Court

- Opposed to the rezoning application.
- Has lived in the neighbourhood for about 10 years.
- Originally bought into a single-family neighbourhood and does not want the neighbourhood to change.
- If there was a guarantee that the secondary suite could never be rented out, he would not be opposed to the rezoning.

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Cheryl Fiske and Jason Cliffe, Applicants

- Advised that they have no intentions of leaving the East Kelowna area and that the only reason they are requesting the "S" designation is that Ms. Fiske's mother can live on the property in her own living space.
- Advised that they have no desire to rent out the secondary suite.
- Advised that if the "S" designation was not approved, the accessory building would be converted into a work space for Ms. Fiske and her clients.

4. TERMINATION:

The Hearing was declared terminated at 7:27 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk