

Public HearingJuly 12, 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, July 12, 2011.

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

Council members absent: Councillors Angela Reid-Nagy and Michele Rule.

Staff members in attendance were: Acting City Manager, Jim Paterson; 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 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 24, 2011 and by being placed in the Kelowna Daily Courier issues of July 4, 2011 and July 5, 2011, and in the Kelowna Capital News issue of July 5, 2011, and by sending out or otherwise delivering 1,661 letters to the owners and occupiers of surrounding properties between June 24, 2011 and June 30, 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. 10552 (Z11-0019) - Alice Schram (Worman Commercial) - 1064 Borden Avenue - THAT Rezoning Application No. Z11-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot 2, D.L. 138, ODYD, Plan 3616, located at 1064 Borden Avenue from the RU6 - Two Dwelling Housing 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 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.

The Deputy 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.

The Applicant's Representative advised that he did not have anything further to add to staff's comments.

There were no further comments.

- 3.2 Bylaw No. 10553 (Z11-0026) - Glen Blake - 4260 Gordon Drive - THAT Rezoning Application No. Z11-0026 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, District Lot 358, ODYD, Plan 26534, located on 4260 Gordon Drive, 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 FURTHER THAT final occupancy for the suite be applied for prior to final adoption of the zone.

Councillor Craig declared a conflict of interest as he has immediate family members that live within the notification area of the subject application and left the meeting at 6:11 p.m.

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

- o Letter of Support:
 - Dave & Pamela Glendinning, 689 Welke Road

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

The Applicant advised that he did not have anything further to add to staff's comments.

There were no further comments.

Councillor Craig rejoined the meeting at 6:14 p.m.

- 3.3 Bylaw No. 10555 (Z11-0025) - Christopher Fehr & Ian McClellan (Christopher Fehr) - 2857 East Kelowna Road - THAT Rezoning Application No. Z11-0025 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel A (DD 145723F & Plan B6784) of Lot 25 Section 16 Township 26 ODYD Plan 187, located at 2857 East Kelowna Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agricultural 1 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 final adoption of the zone amending bylaw be considered subject to the requirements of the Interior Health Authority being completed to their satisfaction;

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

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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.

The Applicant advised that he did not have anything further to add to staff's comments.

Gallery:

Sera Graziano, 2877 East Kelowna Road

- Advised that her property is directly adjacent to the subject property.
- It was her understanding that at the time the larger principle dwelling on the property was constructed, the smaller accessory building was to be demolished.
- The demolition of the smaller accessory building was never carried out and, over the years, the accessory building has become a rental suite.
- Expressed a concern that the accessory building appears to be in disrepair.
- Expressed a concern with the number of people residing on the property as there are a lot of cars parked on-site on any given day.
- Expressed a concern that the septic tank on the subject property may not be large enough to accommodate the accessory building.

Staff:

- Confirmed that the Applicant will have to verify that there is sufficient capacity in the septic field to accommodate a secondary suite. A qualified professional will have to inspect the septic field and provide the required assurances.

Rhonda McCarty, 2857 East Kelowna Road

- Advised that her family currently rents the principle dwelling on the subject property and that her father-in-law rents the suite in the accessory building.
- If the rezoning is not approved, then her and her family will have to move.

Ian McClellan, Applicant

- Advised that he and his partner purchased the property approximately three (3) years ago.
- Advised that the accessory building was rented when he and his partner purchased the property and unfortunately, they did not confirm with the City that the property was legally zoned for a rental suite.
- Advised that he would be willing to improve the façade of the accessory building so that it fits in with the larger principle dwelling.
- Advised that there are two (2) septic fields on the subject property and that his partner has been speaking with Interior Health to ensure the necessary health standards for the septic fields have been met.
- Advised that the interior of the accessory building has been completely renovated.
- Confirmed that he has not had any discussions with the neighbours regarding the proposed rezoning and accessory building.

Councillor Blanleil joined the meeting at 6:31 p.m.

Joe Graziano, 2877 East Kelowna Road

- Advised that when the property was listed for sale, it was originally listed as a "legal" suite. He contacted the Listing Agents to inform them that, as far as he knew, the suite in the accessory building was "illegal". He then noticed that the listing was changed to remove the word "legal".
- Does not understand how someone can live in the accessory building and believes that it should be kept as a work shed or storage shed.

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- Expressed a concern with parking as there are often vehicles parked on his property.
- Feels that the property is a bit small for the number of people residing there.

Ian McClellan, Applicant

- Advised that he has not had any interactions with the Graziano family regarding the proposed rezoning and accessory building.
- Believes that there is more than enough on-site parking for the tenants and there shouldn't be any need for anyone to park on the Graziano property.
- Would be willing to fence off the driveway to ensure that the tenants don't park on the Graziano property.

There were no further comments.

- 3.4 Bylaw No. 10559 (Z11-0039) - 0872097 BC Ltd. (Paul Watson) - 1326 Tanemura Crescent - THAT Rezoning Application No. Z11-0039 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 13, Township 26, ODYD Plan KAP86150, located on Tanemura Crescent, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with a 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.

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

- o Letter of Concern:
 - Pat Lavender, 1274 Tanemura Crescent

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

Paul Watson, Applicant's Representative

- Due to the location of the subject property, three (3) parking stalls have been designated for the suite.
- Believes that there is ample on-site parking and described the designated parking area for the property.
- Believes that there is a general problem with on-street parking in the neighbourhood.
- Confirmed that the curb area in front of 1321 Tanemura Crescent has now been painted yellow and signs have been erected indicating that the area is a no parking zone.

There were no further comments.

- 3.5 Bylaw No. 10561 (Z11-0032) - Douglas Staines - 1401 Lambert Avenue - THAT Rezoning Application No. Z11-0032 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 9, Section 30, Township 26, ODYD Plan 9950 except Plan 11491, located on 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;

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

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.

The Applicant advised that he did not have anything further to add to staff's comments.

Gallery:Lynne Pettman, 1413 Lambert Avenue

- Owns the property adjacent to the subject property.
- Expressed a concern that the planned suite entrance will impede on her privacy and requested that the suite entrance be relocated.
- Confirmed that the Applicant has never approached her with respect to the proposed rezoning and secondary suite.

Doug Staines, Applicant

- Advised that due to the location of the chimney and carport, there is not enough space for access to the suite from that location.
- Confirmed that the tenant's designated open space is being planned along the east property line.
- Advised that he would be prepared to erect some type of screening in place of the chain link fence in order to address the neighbour's privacy concerns.
- Described how the pathway to the suite would be constructed.

Lynne Pettman, 1413 Lambert Avenue

- Advised that she would only consider screening as a last resort.
- Expressed a concern with the location of the tenant's designated open space as she feels that due to the proximity of the open space to her property, the noise from the tenants would impact her privacy and enjoyment of her yard.

Doug Staines, Applicant

- Provided a detailed explanation with respect to the location of the suite entrance.
- Confirmed that the principle dwelling is located approximately 10 feet from the chain link fence.
- Advised that City staff confirmed that the location of the tenant's open space was acceptable.

Staff:

- Displayed a map of the subject property and the adjacent property.

Doug Staines, Applicant

- Advised that changing the location of the suite entrance would affect the renovated floor plan that is being contemplated for the upper level of the house.
- Advised that there is an easement on the side of the property that borders the carport area.
- Confirmed that the back door of the dwelling currently accesses both the main floor and the basement; however the door is being removed in order to accommodate the proposed renovations to the kitchen on the main floor.
- Confirmed that there is ample on-site parking for both the residents and the tenants.
- Suggested relocating the tenant's open space to the front of the property, behind the hedge.
- Confirmed that he and his wife will be living in the house and renting out the suite.

There were no further comments.

- 3.6 Bylaw No. 10563 (Z10-0086) - City of Kelowna - 445 & 455 Rockview Lane - THAT Rezoning Application No. Z10-0086 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 23 and 24 Township 28 SDYD Plan KAP91022 (See Plan As To Limited Access), located on 455 Rockview Lane, Kelowna, BC from the CD2 - Kettle Valley Comprehensive Residential Development zone to the P4 - Utilities zone and Lot 2 Section 23 and 24 Township 28 SDYD Plan KAP91022, located on 445 Rockview Lane, Kelowna, BC from the CD2 - Kettle Valley Comprehensive Residential Development zone to the P3 - Parks and Open Space zone be considered by Council;

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

AND FURTHER THAT, after adoption of the zone amending bylaw, Council directs Staff to complete the project in general accordance with the draft landscape plan attached to the report of the Land Use Management Department dated May 30, 2011.

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

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.7 Bylaw No. 10564 (Z11-0023) - Danny Damario & Susan Girard - 4191 Lakeshore Road - THAT Rezoning Application No. Z11-0023 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 6 Township 26 ODYD Plan 9270, located at 4191 Lakeshore 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Building & Permitting Branch being completed to their satisfaction;

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

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

- Additional Information Submitted by Applicant:
 - Package of 31 pages of additional information as submitted by the Applicants, Danny Damario and Susan Girard, of 4191 Lakeshore Road

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

The Applicants advised that they did not have anything further to add to staff's comments.

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There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:17 p.m.

Certified Correct:

Mayor

SLH/jrl

Deputy City Clerk