

Public HearingMarch 6, 2012

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, March 6th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann.

Council members absent: Councillors Andre Blanleil and Mohini Singh.

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:00 p.m.
2. Mayor Gray 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 February 17, 2012 and by being placed in the Kelowna Capital News issues of February 24, 2012 and February 28, 2012, and by sending out or otherwise delivering 150 letters to the owners and occupiers of surrounding properties between February 17, 2012 and February 24, 2012. 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 Gray advised that the adoption of the zone amending bylaw with respect to the "Monaco Project" will be considered by Council during tonight's Regular Council Meeting and that the Development Permit and Development Variance Permit applications will be deferred to the April 3, 2012 Regular Council Meeting. The deferral of the Development Permit and Development Variance Permit applications will allow Council the opportunity to discuss the proposal with the public and the Applicant.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 Rezoning Application No. Z12-0002 - Lesley Anne Grant (Shane H. Baxter) - 4325 Gordon Drive - THAT Rezoning Application No. Z12-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 358, ODYD Plan 39542, located on 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 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.

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

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

Shane Baxter, Applicant

- Advised that he would like to include a wet bar in the basement of the subject property, and was advised by City staff that he would require a rezoning to the "s" designation.

There were no further comments.

- 3.2 Rezoning Application No. Z11-0048 - Jang & Raj Bhatti and Bakshish Kalyan (Bakshish Kalyan) - 525 O'Keefe Court - THAT Rezoning Application No. Z11-0048 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 15, Section 27, Township 26, ODYD Plan 30321, located on O'Keefe Court, 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 the suite be eligible for final occupancy 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 Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present.

Gallery:

Bill Gillis, 522 O'Keefe Court

- Expressed a concern with an ongoing problem regarding the tenants of the subject property parking in the neighbour's driveway.
- Expressed a concern with respect to the cleanliness of the property.
- Opposed to the rezoning.
- Displayed photos of the subject property's driveway as well as the affected neighbour's driveway.
- Suggested erecting a fence between the driveways to better define the property line.
- Expressed a concern that the owners of the property don't seem to care about the neighbourhood's concerns.

Staff:

- Confirmed that all of the parking requirements have been satisfied

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Adam Petryshyn, 513 O'Keefe Court

- Advised that he does not have issues and/or concerns with the tenants of the subject property.
- Expressed a concern with the cleanliness of the property.
- Expressed a concern that the Applicants are only applying for the "s" designation as a result of a bylaw complaint.

Mr. Bhatti on behalf of Jang Bhatti, Applicant's Son

- Confirmed that his father is the registered owner of the property.
- Advised that his father is having trouble dealing with both the upstairs and downstairs tenants regarding the cleanliness of the property.
- Advised that the tenants have been served with an Eviction Notice, but that they have refused to vacate the premises and have not paid rent for the past three (3) months.
- Advised that the property has been listed for sale and that his father hopes to sell it sometime this summer.
- Advised that his father was unaware that the tenants are parking in the neighbour's driveway and confirmed that he would have his father speak to the tenants about this issue.
- Confirmed that he would have his father speak with the neighbouring property owner in order to determine whether or not she was in favour of erecting some kind of fencing in order to define the parking areas of the subject properties.

There were no further comments.

Staff:

- Advised that as the subject rezoning will not require a Development Permit or Development Variance Permit, the installation of a fence cannot be a condition of the rezoning.

4. TERMINATION:

The Hearing was declared terminated at 6:30 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld