

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 13, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A. Flack; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Special Projects Planning Manager, H.M. Christy; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 26, 2001, and by being placed in the Kelowna Daily Courier issues of November 5 & 6, 2001, and in the Kelowna Capital News issue of November 4, 2001, and by sending out or otherwise delivering 154 letters to the owners and occupiers of surrounding properties between October 24 & 26, 2001.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

#### **3.1 City of Kelowna**

- 3.1 Bylaw No. 8743 (Zoning Bylaw Text Amendment No. TA01-012) – City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the following section to Section 1.8 Undersized Lots:

“1.8.4 A lot having less than the minimum lot size in a zone can be rezoned to add the “s” notation to that zone to allow a secondary suite as a secondary use, provided that the lot was created before adoption of this bylaw and the development otherwise complies with all regulations of this bylaw.”

#### Staff:

- The ‘s’ zone designation was created to minimize the servicing requirements as much as possible and encourage people to legalize existing and develop new secondary suites meeting Building Code requirements.
- The process, however, did not address rural residential lots that were created prior to the adoption of the City of Kelowna Zoning Bylaw and therefore do not meet the lot size requirements of today. Currently, it would be necessary to rezone a rural residential lot to an urban residential lot in order to create a secondary suite. However, that would trigger servicing improvements that would be onerous. The proposed text amendment would allow the ‘s’ designation to be applied without changing the parent zone.

The Deputy City Clerk advised that no correspondence or petitions had been received relevant to this text amendment.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

There were no further comments.

### **3.2 Johnathon & Michelle Demmers**

- 3.2 Bylaw No. 8744 (Z01-1039) – Johnathon & Michelle Demmers – 3265 O’Reilly Court – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 11, Section 16, Township 26, O.D.Y.D., Plan 24733, located on O’Reilly Court, Kelowna, B.C., from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 with Secondary Suite in order to allow development of the site for uses permitted in the RR3s zone.

Staff:

- The lot is 963 m<sup>2</sup> in size and the RR3 zone requires a minimum 1 ha size for lots without sanitary sewer.
- The text amendment just presented to Council (under 3.1) allows the ‘s’ zone designation to be applied to the subject property.
- The rezoning is requested to legalize an existing secondary suite in the lower portion of the building.
- The application is consistent with the objectives in the Official Community Plan for increasing density without changing the character of the neighbourhood.
- Final adoption of the zone amending bylaw would be withheld pending Building Code issues being addressed by the applicant.

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

- Petition of opposition bearing 13 signatures of neighbourhood residents concerned that the rezoning could establish a precedent for future rental units with possible ramifications of increased vehicle traffic, introduction of transient and/or undesirable tenants, and stress on water and waste facilities.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

John Demmers, applicant:

- Submitted a petition of support bearing 19 signatures of neighbours.
- Advised that the signatures of those who signed the petition of opposition are all from residents on lots that are removed from the subject property other than two neighbours who admitted they had signed both petitions but indicated they were not clear what they were signing when they signed the petition of opposition.
- The house is on septic and the upgrades required for the suite have been inspected and approved by the Health Department.

There were no further comments.

**3.3 James Dickson**

- 3.3 Bylaw No. 8745 (Z01-1041) – James Dickson – 2238 Wilkinson Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 136, ODYD, Plan KAP64648, located on Wilkinson Street, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU2s zone.

## Staff:

- The rezoning would allow the applicant to develop the basement with a secondary suite.
- All Building Code issues can be addressed with a building permit.
- The rezoning is consistent with OCP objectives for providing various housing forms within an existing neighbourhood without changing the character of the neighbourhood.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

James Dickson, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

**3.4 City of Kelowna**

- 3.4(a) Bylaw No. 8746 (Zoning Bylaw Text Amendment No. TA01-011) – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by Adding the RU2h – Medium Lot Housing (Hillside Area) and RM2h – Low Density Row Housing (Hillside Area) zones which will permit medium lot single-family residential development and low density multi-family residential development on serviced lots in hillside areas.

See discussion under 3.4(b).

- 3.4(b) Bylaw No. 8747 (Z01-1048) – 369736 BC Ltd.; R265 Enterprises Ltd.; Emil Anderson Construction Co. Ltd.; Gilmar Management Ltd.; and Gillen Investments Inc. (369736 B.C. Ltd./Grant Gaucher) – South of South Ridge Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, District Lot 1688S, SDYD, Plan KAP68646 except Plan KAP68647, located south of South Ridge Drive, Kelowna, B.C., from the RU1 – Large Lot Housing, RU2 – Medium Lot Housing, and the RM2 – Low Density Row Housing zones to the RU1h – Large Lot Housing (Hillside Area), RU2h – Medium Lot Housing (Hillside Area), and the RM2h – Low Density Row Housing (Hillside Area) zones in order to allow development of the site for uses permitted in the RU1h and RM2h zones.

## Staff:

- Initially, through a miscommunication, it was thought that some RU2 lands were also being rezoned with this application but that is not the case. The 'h' designation is only being added to the RM2 zone. Council will be asked to delete all reference to the RU2h zone from text amending bylaw 8746 before it receives further reading consideration at the Regular Meeting tonight.
- At initial consideration, a member of Council had asked about protection of the ridgeline going east of the 3.17 ha parcel that the City purchased for park. Continuation of the ridge protection would be up to Council when the neighbourhood 3 application comes forward.

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The Deputy City Clerk advised that no correspondence or petitions had been received on either the text amendment or the rezoning application.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Emil Anderson, representing Summit South Development Group:

- Submitted a fact sheet of how hillside guidelines will affect this property.
- Hillside guidelines create additional open space, result in less disturbance of the up and down slope, and allow developers to do a better job with no additional units or change in density.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:32 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk