

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 10, 2003.

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

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

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 "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" 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 May 26, 2003, and by being placed in the Kelowna Daily Courier issues of June 2 & 3, 2003, and in the Kelowna Capital News issue of June 1, 2003, and by sending out or otherwise delivering 170 letters to the owners and occupiers of surrounding properties on May 26, 2003.

The Deputy City Clerk also advised that 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(a) 632 Craig Road**

- 3.1(a) Bylaw No. 9044 (OCP03-0004) – Monashee Financial Corporation (Dan Midtdal) – 632 Craig Road – THAT Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Craig Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation.

See discussion under 3.1(b).

**3.1(b) 632 Craig Road**

3.1(b) Bylaw No. 9045 (Z03-0013) – Monashee Financial Corporation (Dan Midtdal) – Craig Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Craig Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and the RU1s – Large Lot Housing with Secondary Suite zone.

## Staff:

- The rezoning is to facilitate a concurrent subdivision application to create 6 lots. The property abuts agricultural land to the east.
- There is existing development on 2 of the proposed lots and they would be the only RU1s zoned lots. The 4 lots on the northern portion of the site would be zoned RU1.
- The current Official Community Plan (OCP) designation of Rural/Agricultural for this property was to protect the adjacent farmland to the east from potential urban/rural conflict complaints.
- Staff recommend non-support of the application because it presents issues of conflicting urban and rural land uses and is not supported by the City of Kelowna OCP, Strategic Plan, Rutland Sector Plan or Agriculture Plan.
- The application was reviewed by the Advisory Planning Commission (APC) and the Agricultural Advisory Committee (AAC) and both recommended support of the application. The AAC's support was with suggestions for buffering.
- If approved, significant buffering would be required to separate the adjacent agricultural use and the proposed residential use.

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

- letter from Walter Sharpe, 700 block Wallace Road, not opposing the concept of the area being developed but objecting to the density applied for and expressing concern about the potential negative impact on the adjacent agricultural land.

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

Dan Midtdal, agent for the applicant:

- Initially wanted all 6 lots to be zoned RU1s but scaled that back to only 2 now.
- This development will contribute around \$40,000 toward the extension of sewer to the area.
- Would agree to a notation on title to make potential purchasers aware that the property is adjacent to agricultural land that is being farmed.
- The applicant is not developing the land himself. The lots would be sold and developed by the individual purchasers. The applicant would likely agree to doing the buffer zone along the length of the easterly property boundary if required in order to ensure consistency.

## Staff in response to questions of Council:

- Explained the standards that the Approving Officer will consider for buffering, noting he will probably require a 6 m wide buffer zone with higher and more densely planted landscaping to buffer sprays and sound attenuation.
- Explained the standards that the Approving Officer will consider for fencing.

Public Hearing

June 10, 2003

Council:

- The covenant to ensure the on-going retention and maintenance of the buffer area should also indicate that the homeowner has to maintain the fencing.

Brian Dye, 1060 Lacombe Road:

- The majority of the residents on Lacombe Road attended the APC meeting on this application and are opposed to anything but RU1 zoning in the neighbourhood. Surprised that the application is back again and that now it includes the 's' zoning designation.
- With the buffer zone and setback requirements from the street, the two proposed 's' zoned lots would not have sufficient depth to accommodate a suite in an accessory building.
- The applicant did not meet with the neighbourhood to find out what they would support.
- The RU1s zoning implies to potential investors that they can purchase the property strictly for rental income. Rental properties often become an eye-sore for the neighbourhood.
- The existing house does not comply with the new zoning.

Council:

- Explained that the APC is an advisory committee to Council and the previous meeting that Mr. Dye and his neighbours attended on this application would have been the APC meeting. The APC's recommendation to Council was to support this application and now it is up to Council to make the final decision.

Staff:

- The APC supported RU1 rezoning. At the time they considered the application there was no mention of RU1s. Since then, the application was changed to include two lots with the 's' zoning designation.
- The existing house (on proposed Lot 1) does comply with setback requirements and the existing garage on proposed Lot 2 could be moved so that it meets zoning setbacks.
- The secondary suites can be either in the existing residence or in an accessory building.
- There are a number of other RU1s zoned lots in the Hartman Road preplanned area to the west of the subject property, and RU6 zoning as well.

Dan Midtdal, agent for the applicant:

- It was this applicant that developed the original 10 or 11 lot subdivision on the other side of Lacombe Road back in 1974. The applicant lives on what would be proposed Lot 1 and wants the 's' zoning designation so that he has the option of staying in his home with a suite for a caretaker in his later years. The garage on what would be proposed Lot 2 had a suite in it long ago. It would be up to the final purchaser of that lot whether to move the garage and continue to use it as a suite or remove it.
- The application was changed to include the two 's' zoned lots in consultation with City Planning staff.
- The two lots that would be zoned with the 's' designation are the two largest lots.

Council:

- Concern that the public saw something different at the APC than what is being presented tonight.

## Staff:

- Clarified for Council that applications for the 's' zoning designation are not referred to the APC, they come directly to Council. The application considered by the APC was for RU1 zoning only. Applying the 's' zoning designation to two of the proposed lots was not reason to refer the application back to the APC.

## Council:

- Concern that the newspaper advertisement may have been confusing for the public since although it stated that the application was for the RU1 and RU1s zones, the ad did not state how many of the lots would have the 's' zoning designation.
- Asked the applicant's agent if he thought the applicant would agree to delete the 's' zone request. The agent indicated that the applicant is out of town but that he felt the applicant would prefer to take his chances and come back with another application should Council decide to defeat the bylaw on this rezoning.

There were no further comments.

### **3.2 1250 Gaggin Road**

- 3.2 Bylaw No. 9046 (Z03-0011) – VGM Holdings Ltd. (Axel Hilmer) – 1250 Gaggin Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, Section 22, Township 26, ODYD, Plan 19101, located on Gaggin Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

## Staff:

- Rezoning to allow a secondary suite within an accessory building.
- There is currently a single family dwelling, a detached garage and a storage shed located on the property. The proposed suite would be located within the garage which would have to be moved from its current 1.5 m side yard setback to the required 2.0 m setback for accessory buildings with secondary suites.
- Parking requirements can be met on-site.

The Deputy City Clerk advised that no correspondence or petitions had been received in response to the advertisements for the Public Hearing on this item. However, the following letter was received prior to then:

- letter from Abraham & Eniko Nordine, 1270 Gaggin Road, opposed to the garage being converted to a suite because of concern about the impact on his quality of life and property value.

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

Axel Hilmer, applicant:

- The garage already exists so do not understand the concern. Described the orientation of the rooms in the accessory building.
- Explained that the jog in the southerly boundary of the lot is because at one time the road dead-ended in a hammerhead at this property.

There were no further comments.

**3.3 3522 Landie Road**

- 3.3 Bylaw No. 9047 (Z03-0023) – Sue and Jayson Gordon – 3522 Landie Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, DL 134, ODYD, Plan 7981, located on Landie Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- Rezoning to create a secondary suite in an accessory building.
- The accessory building as proposed would be setback 1.83 m from the rear yard and the minimum setback allowable from the rear yard is 1.5 m. However, the lot is very deep and the applicant has been asked to consider increasing the proposed setback from the rear property line.
- Displayed a conceptual plan to show how the suite could be accommodated on the lot.

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

- letter from Lynn & Cal Freeman, 3546 Scott Road, expressing concerns about lack of lane access to the suite, the rezoning could be precedent setting in which case pedestrian safety and traffic would become an issue and auto theft and crime could increase, and new homeowners would not be able to purchase homes in this area because homes with secondary suites that generate revenue increase property values.
- form letter with 7 signatures of residents of the neighbourhood with the same concerns as well as concerns about emergency vehicle access.

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

Sue Gordon, applicant:

- Has voluntarily made the commitment to place the building further from the property line, probably to between a 4 m to 5 m setback.
- The existing carport structure will be demolished.
- Has talked to the immediate neighbours and they have no objection.

There were no further comments.

**4. TERMINATION:**

The Hearing was declared terminated at 8:21 p.m.

Certified Correct:


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Mayor

BLH/am

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Deputy City Clerk