

Public HearingSeptember 14, 2004

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, September 14, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Acting Council Recording Secretary, I. Tilstra.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 5:10 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.

The Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 26, 2004, and by being placed in the Kelowna Daily Courier issues of September 7 & 8, 2004, and in the Kelowna Capital News issue of September 5, 2004, and by sending out or otherwise delivering 775 letters to the owners and occupiers of surrounding properties between August 27-30, 2004.

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 **5001 Chute Lake Road**

- 3.1 Bylaw No. 9298 (Z04-0041) – Allen & Debra Hignell (Grant Maddock/Protech Consultants Ltd.) – Chute Lake Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 24, Twp. 28, SDYD Plan 33972, located on Chute Lake Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.

Staff:

- The rezoning is requested to facilitate a 14 lot subdivision.
- Frost Road has been rough graded through the subject property. One more property needs to come under development in order to complete the linkage of Frost Road to Chute Lake Road.
- The application is consistent with relevant planning policies.
- The application was reviewed and supported by the Advisory Planning Commission.

The Acting 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, followed by comments of Council. There was no response.

3.2 543 South Crest Drive

- 3.2 Bylaw No. 9290 (Z04-0030) – 427743 BC Ltd. (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – South Crest Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 24, Twp. 28, ODYD Plan 30848, located on South Crest Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P3 - Parks and Open Space zone and the RU2 - Medium Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 11, 2004;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 24, Twp. 28, ODYD Plan 30848, located on South Crest Drive Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM3 - Low Density Multiple Housing zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 11, 2004.

Staff:

- There is a Fortis right-of-way for a main transmission line in the area to be zoned Parks and Open Space.
- The proposed RM3 portion of the development would be at the east end of the property, adjacent to South Crest Drive, with the RU2 single family lots in the middle and the park site to the north.
- The application is consistent with relevant Planning policies.
- The Advisory Planning Commission recommends support.
- Final adoption of the rezoning for the RM3 portion of the application would be considered concurrent with a Development Permit Application.

The Acting 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, followed by comments of Council. There was no response.

3.3 595 Ziprick Road

- 3.3 Bylaw No. 9297 (Z04-0032) – Gerry Toye – Ziprick Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, Sec. 22, Twp. 26, ODYD Plan 27790 located on Ziprick Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

Staff:

- There is an existing single family dwelling on the subject property. The rezoning is requested to facilitate a two lot subdivision. The existing home house would be retained and a new dwelling would be built on the new lot.
- The application is consistent with relevant Planning policies.
- The Advisory Planning Commission recommends support.

The Acting 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, followed by comments of Council. There was no response.

3.4 5267 Chute Lake Road and 5267 Trumpeter Road

- 3.4 Bylaw No. 9295 (Z04-0034) – Don Wilkinson and Brenda Gorrie – Chute Lake Road/Trumpeter Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16, Sec. 24, Twp. 28, SDYD Plan 31830, Except Plan KAP61920, located on Trumpeter Road; and Lot B, Sec. 24, Twp. 28, ODYD Plan 32557, located on Chute Lake Road, Kelowna, B.C., from the RR2 - Rural Residential 2 zone to the RR3 - Rural Residential 3 zone.

Staff:

- The property is double fronting facing Chute Lake and Trumpeter Roads.
- The rezoning is requested to facilitate subdivision of the property two create a second lot at the rear of the property.
- The application is consistent with relevant Planning policies.
- The Advisory Planning Commission recommends support.

The Acting City Clerk advised that the following correspondence had been received:

- letter from Ruth Chambers and Dave Evensen, 454 Trumpeter Road, opposing the rezoning generally on the basis that the homes would be crowded and change the existing “large lot” character of the neighbourhood.

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

Don Wilkinson, applicant:

- Lives on the subject property.
- The letter of opposition is from a neighbour who built right to the property line after their house burned down in last year’s forest fire, and now are objecting to having a house next door.

There were no further comments.

3.5 464 Trumpeter Road

- 3.5 Bylaw No. 9294 (z04-0040) – Merbil Investments Ltd. (Harold Kullman) – Trumpeter Road and North of Trumpeter Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, Sec. 24, Twp. 28, SDYD Plan 31830; and Lot 5, Sec. 24, Twp. 28, SDYD Plan 19050 except Plan 21644, located on Trumpeter Road, Kelowna, B.C., from the RR2 - Rural Residential 2 zone to the RR3 - Rural Residential 3 zone.

Staff:

- The rezoning is requested to facilitate a two-lot subdivision. One lot would front on Trumpeter Road and the other would front onto Chute Lake Road.
- Both lots would exceed the minimum requirements for lot area and lot width.
- The application is consistent with relevant Planning policies.
- The Advisory Planning Commission recommends support.

The Acting 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, followed by comments of Council. There was no response.

3.6 335 Hardie Road

- 3.6 Bylaw No. 9291 (Z04-0044) – Charlene Madden – Hardie Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Sec. 26, Twp. 26, ODYD Plan 14462, located at 335 Hardie Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant is proposing to remove the existing garage and build a secondary suite in a 1-storey accessory building. A variance would be required to waive the requirement for an attached carport or garage for the secondary suite.
- All parking would be accessed off Hardie Road as there is no rear lane.

The Acting 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, followed by comments of Council. There was no response.

3.7 260 Franklyn Road

- 3.7 Bylaw No. 9293 (Z03-0043) – City of Kelowna – Franklyn Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 27, Twp. 26, ODYD Plan 12913 except Plan 22268, located on Franklyn Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

Withdrawn from the agenda.

3.8 Adds Community Recreation Services to the RM3, RM4, RM5 and RM6 Zones

- 3.8 Bylaw No. 9292 (TA03-0008) – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding "Community Recreation Services" as a permitted use in the RM3 - Low Density Multiple Housing, RM4 - Transitional Low Density Housing, RM5 - Medium Density Multiple Housing, and RM6 - High Rise Apartment Housing zones.

Staff:

- The subject text amendment was originally forwarded for consideration concurrent with a rezoning application that was subsequently withdrawn, and is now being presented as a stand-alone text amendment.
- The encouragement of higher density housing also creates higher demand for community services. The proposed text amendment would add Community Recreation Services as a secondary use in the higher density residential zones. As the community recreation services area may be considered a common amenity space when located in a multi-dwelling development, the area would not be included in density (Floor Area Ratio) calculations.
- The Advisory Planning Commission does not recommend support because of concern about potential incompatible uses on the site. Staff are of the opinion that whether the development was rental or stratified ownership, the residents would have a say about the type of recreation facilities accommodated on site.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

Public Hearing

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4. TERMINATION:

The Hearing was declared terminated at 5:40 p.m.

Certified Correct:

Mayor

Acting City Clerk

IMT/am