

Public HearingDecember 11, 2007

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, December 11th, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Colin Day, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Clark and Given

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort*; Planner, Nelson Wight*, Planner, Alec Warrander*; Manager, Policy, Research & Strategic Planning, Signe Bagh*; Environmental/Solid Waste Manager, Mark Watt*; Planner Specialist, Gary Stephens*; and Council Recording Secretary, Arlene McClelland.

(* 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 2020 - Official Community Plan 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 23rd, 2007, and by being placed in the Kelowna Daily Courier issues of December 3rd, 2007 and December 4th, 2007, and in the Kelowna Capital News issue of December 2nd, 2007, and by sending out or otherwise delivering 1504 letters to the owners and occupiers of surrounding properties between November 23rd, 2007 and November 28th, 2007.

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. 9842 (OCP07-0020) – City of Kelowna - To amend the Kelowna 2020 Official Community Plan Bylaw No. 7600 Chapter 7 Environment in order to further strengthen aquatic habitat policy. The proposed text amendments provide for the potential to mitigate aquatic habitat impacts from public or private development projects through financial compensation to a "Bank" for the restoration of Mission Creek. The proposed policy wording also includes new language acceptable to the Department of Fisheries and Oceans with respect to the preservation of fish habitat

Staff:

- Discussed proposed Policies:
- The policies will simply provide another tool in the form of compensation banking. This tool will be useful if we ever need to consider private or city projects that might have an impact on fish habitat.
- Policies added to OCP – will not add any further burden or requirements on the City.
- Recommend policies be amended to prefer no net loss of fish habitat.
- Minor wording changes to policies.

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Council:

- Asked to see map of lake that would be affected in habitat index.
- Have staff reviewed our infrastructure plans to avoid impact on aquatic habitat areas? Staff noted it's an ongoing process.

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

BYLAW NO. 9842 (OCP07-0020)

City of Kelowna
1435 Water Street

NIL

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

There were no further comments.

- 3.2 Bylaw No. 9890 (Z07-0029) – Kevin & Cynthia Patterson – 530 Ziprick Road - THAT Rezoning Application No. Z07-0029 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 22, Township 26, ODYD, Plan 31688 on Ziprick Rd, Kelowna, B.C. from RU1 – Large Lot Housing zone to the RU6 - Two Dwelling Housing zone be considered by Council.

Staff:

- Applicant would like to construct a second single family home on site. Staff have no concerns with this application.

Applicant:

- Present to answer any questions.

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

BYLAW NO. 9890 (Z07-0029)

530 Ziprick Road
Kevin & Cynthia Patterson

Letter of Opposition

Mark & Donna Stuike, 550 Cridge Road

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

There were no further comments.

- 3.3(a) Bylaw No. 9891 (OCP07-0021) – Bhushan Singla, Radha Reddy & Roshni Reddy/(Lavina Gaucher) - THAT OCP Bylaw Amendment No. OCP07-0021 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gertsmar Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 5, 2007, be considered by Council.

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- 3.3(b) Bylaw No. 9892 (Z07-0069) - Bhushan Singla, Radha Reddy & Roshni Reddy/(Lavina Gaucher) – THAT Rezoning Application No. Z07-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gertsmar Road, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone be considered by Council.

Staff:

- Total of 4 units proposed on this site. Well suited for this development.

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

BYLAW NO. 9891/9892 (OCP07-0021/Z07-0069)

360 Gerstmar Road

Bhushan Singla, Radha Reddy & Roshni Reddy / (Lavina Gaucher)

Letters of Opposition

Michael Mitchell, #8 – 363 Gerstmar Road

Doug Mann & Heather Honke, 1115 Elwyn Road

Jeannette Chevrette, 1172 Elwyn Road

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

Applicant – Lavina Gaucher

- Approached residents in the neighbourhood during the summer and they seemed happy with the development.
- Streetscape side is extremely appealing. Looks like a single family dwelling. Definitely an addition to the neighbourhood. Off site parking is provided.
- Screened landscape area all along the back, no fencing. All owners will have private back yards. More privacy with this development than surrounding neighbours currently have.

Council:

- Privacy seems to be an issue for some that are opposed.
- Asked staff to identify other multi-family zoned lots in the area.

Sukhi Bhuller – 1525 Collison Road

- Concerned with on-street parking.
- Believes the property will be stratified and rented out.
- Concern over high traffic area.

Applicant

- Stratification allows for four separate titles, four separate dwellings on this space. Does not mean it has any thing to do with rental concern.
- Parking was a concern because we have to have 2 on-site parking spaces (tandem parking).

- 3.4 Bylaw No. 9893 (Z07-0081) – Roslyn Haug – 1250 Both Road - THAT Rezoning Application No. Z07-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 131, ODYD, Plan 37963, located at 1250 Bothe Street, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council.

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Councillor Letnick declared a conflict of interest due to his daughter knowing the Applicant and departed the meeting at 7:00 p.m.

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

BYLAW NO. 9893 (Z07-0081)

1250 Bothe Road

Roslyn Haug

Letters of Opposition

Robert & Carnation St. Amand, 1290 Ladner Road

Linda & John Carbrey, 1240 Bothe Road

Laura & Don Fallu, 1280 Bothe Road

Reno & Carole Fabris, 1299 Bothe Road

Donna Carruthers & Ted Porter, 1293 Bothe Road

Petition of Opposition

A package including a petition signed by 25 residents of the area surrounding 1250 Bothe Road, and other documents to oppose the application.

Staff:

- Determined location of addresses in opposition.

Applicant: Roslyn Haug – Denise Milar, Daughter and Personal Assistant to Ms. Haug - 1250 Bothe Road

- Purchased home in May 2006 and am here to legalize existing basement suite. The house is about 2500 sq. ft. and would like to have a second stove in the basement. Currently living in the home is the Applicant's granddaughter, husband and two children live in the downstairs.
- Applicant lives on top floor with 4 bedrooms and rents rooms to college students who are friends of the family.
- Applicant is a music teacher and devoting my life to young people. There's a need for us to help the young people if we can. What I do is provide affordable housing.
- No neighbour has contacted applicant with complaints.
- Confirmed she does not rent through vacation rentals. Had registered online and had that terminated immediately in 2006 when it was realized this was not in compliance with the City bylaw.
- Confirmed that they do rent to university students and that they have many visitors in the summer months.
- Have adequate legal parking. We comply with all bylaws.
- Westside of property there is gate where music students park. Garage is used for vehicles as well.

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

Donna Carruthers - 1293 Bothe Road

- Believes they are still affiliated with on line rental company.
- Parking is a huge issue.
- Applicant does not reside at the residence. Cannot have a home based business if you do not reside there.
- Applicant is doing daily rentals. There was a notice issued from the City of Kelowna that daily rentals are not allowed.
- There are on going bylaw investigations.
- There was no building permit to put in music business.

Bernie Siebring - 1236 Bothe Road

- Opposed to another rental suite in the subdivision.

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- Used to be a quiet neighbourhood before applicant moved in.
- Parking concerns. Cars parking on lawns.

Jeff White - 434 Glenwood Road

- Daughter is student of the Applicant.
- Pointed out that Applicant is a well respected member of our community.
- Applicant was made aware of designation to make her suite legal and she has done so.
- Majority of concerns are not about application at hand.

Wayne Ross - 2124 Pandosy Street

- Realtor that sold applicant the house.
- Known applicant for 25 years.
- Hopeful that RU1s zone applicant is seeking is approved.

Ted Porter 1290 Bothe road

- Feels the applicant should live in the home if this is approved.

Applicant: Roslyn Haug – Denise Milar - 1250 Bothe Road

- Some complaints are mis-information. We have been off the Owner Direct site since August 2006. If you have the original ID number, you can access the site but cannot reserve.
- Have a lot of relatives that visit in the summer. Daughter herself is there 3 to 4 times a week. We have a lot of visitors.
- Neighbours are assuming that summer visitors are not family remembers.
- Applicant notes that it is mis-information that she does not live on Bothe Road. Works a lot and is away from home often.
- The homeowner grant is being switched to show 1250 Bothe Road as the principal residence. Error made by Accountant.

Council:

- Clarified parking concerns.
- Can the upstairs also be rented to unrelated individuals?
- Issue of business on that site is being looked at through bylaw enforcement.
- Confirmed that applicant does have a second dwelling, with an office.
- Asked if concern is for potential kitchen or other issues brought forward.

Staff:

- Confirmed that you must live in residence 240 days of the year to have a home based business.

There were no further comments.

Councillor Letnick entered the meeting at 7:39 p.m.

- 3.5 Bylaw No. 9894 (Z07-0040) – Susan Widmer – 2880 Gosnell Road – THAT Rezoning Application No. Z07-0040 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, District Lot 135, O.D.Y.D., Plan 17194, located on Gosnell Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council.

Staff:

- Staff have no concerns.

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

BYLAW NO. 9894 (Z07-0040)
2880 Gosnell Road
 Susan Widmer

NIL

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

There were no further comments.

- 3.6 Bylaw No. 9895 (Z07-0010) – Emily Doyle – 2850 Gosnell Road - THAT Rezoning Application No. Z07-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, O.D.Y.D., Plan 17194, located on Gosnell Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council.

Staff:

- Staff have no concerns with this application.

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

BYLAW NO. 9895 (Z07-0010)
2850 Gosnell Road
 Emily Doyle

NIL

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

Shane Styles - 1050 Kelly Road

- In favour of this application.

There were no further comments.

- 3.7 Bylaw No. 9897 (Z05-0036) – MapleHeath Ranch Ltd./(Terasen Gas) – 4460 Gordon Drive - THAT Rezoning Application No. Z05-0036 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, District Lot 358 ODYD Plan KAP76990, located on Gordon Drive, Kelowna, B.C., from the RU5 – Bareland Strata Housing Zone to the P4 – Utilities Zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 3, 2007, be considered by Council.

Staff:

- Staff is supportive of this application.

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

BYLAW NO. 9897 (Z05-0036)
4460 Gordon Drive
 MapleHeath Ranch Ltd. / (Terasen Gas)

NIL

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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.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:45 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld