

Public HearingMarch 18, 2008

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 18<sup>th</sup>, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre. Blanleil, Colin Day, Brian Given\*, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Barrie Clark and Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Planner, Nelson Wight; Planner, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 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 February 29<sup>th</sup>, 2008, and by being placed in the Kelowna Daily Courier issues of March 10<sup>th</sup>, 2008 and March 11<sup>th</sup>, 2008, and in the Kelowna Capital News issue of March 9<sup>th</sup>, 2008, and by sending out or otherwise delivering 654 letters to the owners and occupiers of surrounding properties Between February 29<sup>th</sup>, 2008 and March 5<sup>th</sup>, 2008.

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. 9942 (Z07-0068) – Donald & Cindy Maxson – 1226 Mountainview Street – THAT Rezoning Application No. Z07-0068 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 29, Twp 26, O.D.Y.D., Plan 25524, located on Mountainview Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council.

This item was withdrawn from the Agenda and has been rescheduled to the April 1, 2008 Public Hearing.

- 3.2 Bylaw No. 9924 (TA07-0008) – Apac Development Ltd./(New Town Architectural Services Inc.) – 5340 Chute Lake Road – THAT Zoning Bylaw Text Amendment No. TA07-0008 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the development regulations for the Type IX form of development to: i) incorporate a 0.2 FAR bonus for under building parking, and ii) to alter the density from 70 units per hectare (UPH) allowed to 107 UPH proposed, as outlined in the report of the planning & Development Services Department dated February 4, 2008 be considered by Council.

Councillor Given joined the meeting at 6:06 p.m.

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## Staff:

- Confirmed that the density transfer has been negotiated from another site.

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

- Letters of Opposition:
  - Patrice Topolniski & David Atkinson, 5292 Allenby Lane
  - Yvonne Cowan & Doug White, 5354 Chute Lake Road (for second part of amendment only)
  - Clint & Elizabeth Andersen, 5353 Chute Lake Road
  - Ron & Lydia Klassen, 5366 Chute Lake Road

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

Pat McCusker, New Town Architectural Services Inc., Applicant's Representative:

- Apart from the higher density, the applicant is not requesting anything that the property is not already zoned for.
- The project is of a geothermal design and will be built to a sustainable standard.

Doug Hansen, 5350 Chute Lake Road:

- Moved to the area approximately eight (8) months ago.
- Concerned that the number of the proposed units proposed from 62 units to 107 units.
- Concerned about parking and traffic issues as a result of this project.

## Council:

- RH – Inquired as to the parking – Staff – Parking is basically achieved through underground parking with some ground side parking for the commercial spaces; Staff clarified that there will only be 62 units in total and the parking meets the requirements for both residential and commercial

Pat McCusker, New Town Architectural Services Inc., Applicant's Representative

- Confirmed that the applicant is only proposing 62 units.

There were no further comments.

- 3.3 Bylaw No. 9943 (Z07-0100) – A.M.D.I. Investments Inc. and Isaac & Helene Unrau/(Grant Maddock) – 1320 & 1340 Guisachan Road THAT Rezoning Application No. Z07-0100 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 136, ODYD, Plan 10742 & That Part of Lot 3, Shown on Plan B5120, DL 136, ODYD, Plan 2158, Except Plan KAP84631, located on Guisachan Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.

## Staff:

- A no-build covenant for proposed Lot 7 will be required at the time of subdivision.

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

- Letter of Concern:
  - William Popow, 2221 Wilkinson Street

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

Public HearingMarch 18, 2008Grant Maddock, Applicant's Representative:

- Advised that the applicant has addressed the concerns raised by the Advisory Planning Commission in that:
  - The walkway will be constructed through the subject property from Wilkinson Street to Nelson Place;
  - Curb, gutter and storm sewer will be in place along Wilkinson Street and Nelson Place;
  - A no-build covenant will be registered against proposed Lot 7 once subdivision occurs.

William Popow, 2221 Wilkinson Street:

- Concerned that if a structure was built on proposed Lot 7, it might compromise the future development of his property.

Rob Buhler, 1363 Nelson Place

- Inquired when the construction of the walkway will take place as he is concerned about vandalism in the area due to the fact that the walkway is incomplete.
- Inquired as to whether or not the width of the walkway will infringe upon the width of his lot.

## Staff:

- Advised that there is a bylaw that predetermines the width of a walkway; and therefore all of the technical details will have to be addressed prior to subdivision approval.

Grant Maddock, Applicant's Representative:

- Confirmed that a no-build covenant will be registered against proposed Lot 7.
- Confirmed that the walkway is a requirement of the subdivision and that bonding has been identified through a Servicing Agreement.
- Advised that the walkway will be constructed at the time of servicing, which will occur once all the required approvals have been obtained.

There were no further comments.

- 3.4 Bylaw No. 9946 (Z07-0108) – Mark Klotz – 432 Clifton Road South – THAT Rezoning Application No. Z07-0108 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, SEC. 31, TWP26, O.D.Y.D., Plan 17113, located on Clifton Road, Kelowna, B.C. from the A1 Agriculture 1 zone to RU6 – two dwelling housing zone be considered by Council.

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.5 Bylaw No. 9947 – (Z08-0002) – Ronald & Marilyn Westlake – 4755 Parkridge Drive – THAT Rezoning Application No. Z08-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, SEC. 29, TWP 29, S.D.Y.D., Plan KAP45171, located on Parkridge Drive, Kelowna, B.C. from the RR3 – Rural Residential 3 to RR3(s) Rural Residential 3 with secondary suite, be considered by Council.

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

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- Letters of Opposition:
  - Dave Hamilton, 4725 Parkridge Drive
  - Kent Campbell, 1532 Sunridge Court
  - Simon Lucovic, 1522 Sunridge Court

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

Marilyn Westlake, Applicant:

- Advised that the subject property is over 0.5 of an acre and the home is over 2800 square feet.
- Confirmed that the septic system has been upgraded and that there is ample parking on the property to accommodate the tenants.
- Advised that the immediate neighbours were aware of the suite and did not have any negative reaction to it.

There were no further comments.

- 3.6 Bylaw No. 9948 (Z07-0089) – 0760969 B.C. Ltd./(Heinz Strege) – 1929 Fisher Road - THAT Rezoning Application No. Z07-0089 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 29, District Lot 130, O.D.Y.D., Plan 17924, on Fisher Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council.

Staff:

- Recently received a rendering from the applicant of the proposed dwelling on the site and provided Council with those details.
- Staff are supportive of the rezoning as it is consistent with the Official Community Plan.

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

- Letters of Opposition:
  - Ron & Sheila Lancour, 1930 Fisher Road
  - Laura & Gerald Baron, 1940 Fisher Road (2)
  - Al & Marg Lang, 2010 Fisher Road
  - Dennis & Kim Miller, 2840 Boyd Road
  - Carol & Van Mallow, 1949 Fisher Road
  - Greg Parker & Tracy Zarr, 1920 Fisher Road
- Letter from the Applicant:
  - Heinz Strege, 1929 Fisher Road
- Petition of Opposition:
  - A petition of opposition signed by 56 owners/residents of the surrounding area

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

Heinz Strege, Applicant:

- Would like to build something that he can be proud of and the current structure on the property does not have any shape or style.
- Advised that he would be willing to register a building scheme or covenant on the adjoining property to ensure that the dwelling will remain single-family.

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## Staff:

- Confirmed that a Development Permit would have to be obtained on both properties; however they would be considered direct Development Permits, which do not receive Council involvement.

Dennis Miller, 2840 Boyd Road:

- Has lived in his home for the past 16 years and is opposed to the rezoning.
- Believes that the setback of the proposed addition is closer to the road than other dwellings in the neighbourhood.
- Feels that a multi-family dwelling would not fit in with the character of the neighbourhood.
- Does not agree with staff's comments regarding the proposed rezoning from RU1 to RU6.

Heinz Strege, Applicant:

- Advised that the set back of the new structure will be the same as the current ones.

## Staff:

- Confirmed that landscaping will need to be addressed during the Development Permit process.
- Advised that staff believe that the foundation currently in place does satisfy the conditions of the current zone.
- Advised that a similar subdivision could occur under the RU1 zone with the lot being cut in half.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:05 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/dld