

Public HearingApril 1, 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, April 1st, 2008.

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

Council members absent: Norm Letnick and Barrie Clark

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort; Planner, Nelson Wight and Council Recording Secretary, Arlene McClelland.

(* 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 March 14th, 2008, and by being placed in the Kelowna Daily Courier issues of March 24th, 2008 and March 25th, 2008 and in the Kelowna Capital News issue of March 23rd, 2008, and by sending out or otherwise delivering 520 letters to the owners and occupiers of surrounding properties between March 14th and 19th, 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.

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

- Letters of Opposition

Wayne Provenzano & Jennifer Reigh, 1210 Ridgeway Drive
 Mary Wozny, 1285 Mountainview Street
 Bill & Dee Hogaboam, 1317 Mountainview Street
 Steve Panka, 1235 Ridgeway Drive
 Marc & Judith Novakowski, 1232 Mountainview Street
 Vicki Moore & Bruce Unrau, 1220 Ridgeway Drive
 Kathy & Glenn Neufeld, 1224 Ridgeway Drive

Petition of Opposition

A petition signed by 57 residents/owners of the surrounding area, as submitted by Vicki Moore, 1220 Ridgeway Drive

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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.

Donald and Cindy Maxson, Applicant, 1226 Mountainview Street

- We do realize the concern of the neighbourhood. We had approached City Hall three years ago to see if this was a viable idea before purchasing the property. It has never been our intention to use this as a rental home nor are we selling for a profit. We have been working on plans with the Planning Department and believe we have come up with a plan that will blend into the neighbourhood. This will not be a spec house that will be an eye sore. I know parking was a concern with our neighbours. Recently we had family staying at our home and neighbours were frustrated with the extra vehicles parking on the street. Both parties have moved on since January. The variance that has been requested is to change the shape of the driveway to make it wider at the front for easier access. The proposed driveway will be safer than most driveways in the area. Another concern of the neighbours is that they don't want a two storey house built but had they attended the meeting held in August they would have known it is a one storey home. The variance is for the driveway only and that was noted at the previous meeting as well. Most of the opposition is from homes that are not our immediate neighbours. Not one opposed person came forward to ask us to see our plans. It seems that the neighbours just don't want change of any kind. In closing, we would be happy to discuss any issues with our neighbours.

Council:

- Questioned whether the applicant actually spoke to the neighbours.

Bruce Unrau, 1220 Ridgeway Drive

- Was assured 20 years ago, when he purchased his home, that there was no room for another house to be built at this location.
- The neighbourhood is well established and a majority of people in the neighbourhood are opposed and that should have some merit.

Dan Turner, 1796 Glenella Place

- Questioned whether the current property meets guidelines for another lot?
- Wanted to clarify if the applicant rezoned would they then not need a variance?
- Questioned whether the development variance is not for the garage or driveway?
- Over 91 percent of houses do not have double garages so it is not compatible with the area. Only 12 properties have double car garages.
- Concerned over safety since there are no sidewalks in the area.
- There are already many suites in the area which causes more on street parking.
- Concerned about how close the homes are together and concerned that there is potential for many RU6 zonings and that this application will set a precedent.

Staff:

- Confirmed setback is to the garage not the driveway.

Steven Panka, 1235 Ridgeway Drive

- Concerned with rezoning of the property.
- Concerned with increased traffic.
- Concerned with parking and no sidewalks.

Vicki Moore, 1220 Ridgeway Drive

- I did most of the work on the petition that was sent around the neighbourhood. The applicant said that I went around telling neighbours that the house would not fit on the lot, but I never once said this, I only said that a variance was needed for the garage. We petitioned further out from our immediate area because we felt the extra traffic will go right past their homes and have an impact on them as well.
- Totally opposed to this application.
- Their driveway will cause 4 or 5 driveways within a few feet of each other.

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- We like our green space and the green space of our neighbours. It's an old area and we want the area to remain the same as it is.
- This application will cause more congestion.
- Applicant has had many cars parked on the street and it impacts our driveways.

Kathy Neufeld, 1224 Ridgeway Drive

- I believe we have met our maximum density on Ridgeway Drive.
- Old Glenmore has always been a well known area and favoured for its larger lot sizes. There currently is a lot of green space and would like to see that remain.
- Lot is not suitable for two houses. The decks from both homes will only be 15 feet apart with no back yards at all.

Walter Reglin, 1223 Mountainview Street

- Opposed due to precedent it would set.
- There could be 30 other properties that could have a carriage house.
- Bernard Avenue and Dilworth Crescent is getting extremely busy. Traffic will have to go through the neighbourhood.

Marc Novakowski, 1232 Mountainview Street

- Opposed to this proposal.
- Concerned with increased traffic. Setting precedent for more RU6 rezonings.
- Concern raised over safety since there are no sidewalks.
- The aerial view showing both houses on the lot indicate that there is not a lot of space left for any type of yard.
- There is a swimming pool on the current property, will the pool still remain? Would there be a fence installed between the two homes?

Staff:

- Confirmed that the property could not be subdivided (not large enough)
- Confirmed proposed zoning does meet green space requirements.

Applicant:

- The above ground pool will be removed.
- Solution for driveway - there is a setback to allow for parking of the vehicle. Realigned the driveway to accommodate parking.
- At the back of house where the sundeck is there this is no living space. There is a roof but it's to cover the deck.
- There is a fence shown on the drawing between the two homes.
- It's a huge property and a lot to maintain. We have the highest water consumption in the whole area and it is very costly.

There were no further comments.

- 3.2 Bylaw No. 9944 (Z07-0038) – Franceen Herron and James & Sally Kelly/(Gerry Herron) – 887 Bullock Road & 4623 Frederick Road - THAT Rezoning Application No. Z07-0038 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 580A, S.D.Y.D., Plan KAP66537, and portions of Lot B, District Lot 580A, SDYD, Plan KAP66537, on Bullock Rd, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, in accordance with Map “A”, be considered by Council.

Staff:

- APC was supportive of this application.
- Staff are non supportive of this application. Infill to increase density but less than optimal for infill. It is a bit tight and not the best use for the land. No lane, dealing with front drive garage that is less than desirable. Will dominate the façade. Awkward configurations with second dwelling.

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

- Nil

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

Gerry Herron, Applicant

- We see this as the best way to infill. Our neighbours are supportive of this application.
- Available to answer any questions.

There were no further comments.

- 3.3 Bylaw No. 9951 (OCP07-0034) and Bylaw No. 9952 (Z07-0101) – Interior Health Authority/(Interior Health – Facilities Management) – 2251 & 2310 Pandosy Street - THAT OCP Bylaw Amendment No. OCP07-0034 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A, D.L. 14, ODYD, Plan KAP85227, located on Pandosy Street, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Educational/Major Institutional designation be considered by Council;

AND THAT Council considers APC public process, be appropriate consultation for the purpose of section 879 of the Local Government Act, as outlined in the report of the Planning & Development Services Department dated February 18, 2008.

THAT Rezoning Application No. Z07-0101 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 14, ODYD, Plan KAP85227, and Lot 1, DL 14, ODYD, Plan 4262, located on Pandosy Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing and RU1 – Large Lot Housing zones to the P1 – Major Institutional zone be considered by Council.

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

Letter of Opposition

Douglas & Irene Harlton, 598 Royal Avenue

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

Joanne Konnert, Chief Operating Officer Interior Health

- We had four meetings where we have had feedback from neighbours and made adjustments according to the outcome of those meetings. Temporary staff and physician parking to support growth at KGH.
- Made changes to parking to accommodate patient care building and moved parking to Rose Avenue.
- We have provided some lighting so that there is enough for security but does not create too much light for neighbours' back yards.
- Entrance of parking off of Royal Avenue not Pandosy Street.
- Hopeful that we can begin construction on the lot in the Spring.
- Hadn't planned on general security for the parking lot but will consider this.
- Neighbours did not want the main view of the parking lot so we put in a low fence of 4 feet.
- Parking lot will not be paved because it is only temporary parking.

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- The Master Plan should be ready by the end of June and we will know then what the property will be used for in the future.

David Fowler, Interior Health

- Planned to use gravel in parking area. Sealer coat put on it to keep the dust down.

Council:

- Will there be security in parking lot at night? Suggested cameras in place for security.
- Confirmed that transit portion will be an actual pull off along Pandosy Street.
- Consider solar for lighting and check with staff on this.
- Confirmed that a 6 storey maximum height is allowable in the P1 zone.

Penny Pearson, 607 Glenwood Avenue

- Opposed to this application.
- Council should reject this rezoning at this time due to inadequate information. There are 3 pieces of information that is missing – land use study should be done in this area due to pressures from KGH and developers; update of OCP is still underway; Interior Health Authority is in the process of finalizing their Master Site Plan which should be completed by June 2008. All of this should be completed before rezoning granted.
- It's not about patient care it's about parking. Hospital is in need for more temporary parking. They do not mention patient care. There is no need for additional parking. They have 155 parking stall site on Ethel Street and only 9 vehicles were parked there earlier today.
- Proposed use does not meet the zoning requirements they are asking for.
- There will be no control if zoned P1 – a six storey building could be built without further consultation with the City. Could be many unknown consequences. Should have more detailed information from IHA.
- Parking is an auxiliary use. IHA should further talk with the Planning Department and develop a comprehensive zone for temporary parking so they cannot build whatever they want later on.

Debbie Helf, President of Kelowna South Central Neighbourhood Association

- APC was opposed to this application. If you give P1 zoning they can build a 6 storey building on the site. .
- Should wait until the Master Plan is complete in two months and then they will know what they will put on this site at that time. If given P1 public will have no input on further development of site.
- Can we give them parking without giving them the P1 zone?

Alana Marrington, 2189 Pandosy Street

- Concerned over security. Many people use her driveway as turn around.
- Not opposed to parking lot but would like to see what lighting and security will be in place. Late in the evening proper lighting would be required.
- Any major institution grows. It's an evolving area and a neighbourhood in transition and would like to know how this property will be used in the long term.

Donald Hahn, 2275 Pandosy Street

- Not against the parking lot but feels that it should be paved. There is currently too much dust.
- Should not rezone to P1 because then there is no control in the future.

Penny Pearson 607 Glenwood Avenue

- Our home is over 100 years old. The prices of homes in this neighbourhood are \$350,000 to \$450,000. Pandosy Street has always been a barrier and we purposely bought across the road. Consequence of what previous proposal from Troika, and now KGH are doing is that people are selling off their homes to developers. This is

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changing our neighbourhood entirely and should have a well thought out plan in place.

Staff:

- A tool that could be used is a Restrictive Covenant limiting use to a parking lot until some further future public consultation.

Applicant:

- Regarding the inadequate information comment in a perfect world we would like to have had the site plan done. Pressures on site are such that we move forward with this. Parking will change once the construction of the new ambulatory care centre begins; the parking area will be used for construction workers and staging. Parking lot on Ethel is a pleasant walk in the summer but not so in the winter time as well as security issues for the staff at night.
- Exit onto the lane, the Planning Department recommended the exit be on Royal Avenue.
- Gravel on the parking lot was to reinforce that this is a temporary solution only and wasn't looking at long term.
- Lighting will be around perimeter of parking lot directed inward. That combined with intervention for security should be sufficient.

There were no further comments.

- 3.4 Bylaw No. 9953 (TA06-0044) – Amendments to the City of Kelowna Zoning Bylaw No. 8000 – THAT Text Amendment Application No. TA06-0004, to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning and Development Services Department, dated February 22, 2008, be considered by Council.

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

- Nil

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

Karen Martin, 455 Hardie Road

- Would like clarification on what this would mean to a person who has a catering business as she does. A commercial kitchen, required if no second kitchens allowed, would mean grease traps, etc. and all is very expensive. We don't do the volume as a restaurant would do. We cook at venue sites such as Mission Hall, Laurel building. Our second kitchen is a prep kitchen for our home based business.

Staff:

- Clarified that this is with regard to a commercial kitchen of a home based business.
- It is a concern to home based business. Those that remain will be non-conforming. They are limited to an area but we can accommodate that under home based business bylaw. Don't see a real challenge in making it work.

There were no further comments.

- 3.5 Bylaw No. 9955 (Z08-0006) – Michael Kirby & Paula Jameson – 1291 Morrison Road - THAT Rezoning Application No. Z08-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 36, Twp. 26, ODYD, Plan 17689, except Plan KAP60756 located at 1291 Morrison Road, Kelowna, B.C. from the A1 – Agriculture 1 Zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council.

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

- 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. 9956 (Z07-0030) – Michelle & Randy Grasser/(Jarrett Cuff) – 465 Hardie Road – THAT Rezoning Application No. Z07-0030 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 26, Township 26, O.D.Y.D., Plan KAP78470, LOCATED ON Hardie Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council.

Staff:

- Supported by APC.
- Staff to require revisions to proposed structure and will work with applicant through development permit stage at staff level.

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

Letters of Opposition

Calvin & Carol Enseleit, 330 Hardie Road
 Gordon & Diane Beavington, 560 Hemlock Road
 Paul & Karen Martin, 455 Hardie Road
 Walter Peterson, 440 Primrose Road
 Norma Hannebauer, 460 Hardie Road

Petition of Opposition

A petition signed by 40 residents/owners of the surrounding area, as submitted by Karen Martin, 455 Hardie 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, Jarrett Cuff, 300 Fizet Court

- Has had an issue with the \$20,000 development cost charges that will very shortly be in force.
- Had submitted plans to the Planning Department but they were rejected. Was told they don't want garages in the front. Wanted garage in the back which would make entire backyard pavement.
- This would be the nicest house on the street if approved. Applicant would live on one side and would rent out the other half.

Staff:

- Development Permit has to be issued to avoid new development cost charges.
- Applicant has brought forward 2 or 3 plans.

Council:

- Questioned whether applicant had met with neighbours.
- Confirmed applicant's building is 2 feet higher than height of current two storey homes.
- Asked how the applicant can design this home differently to fit with the neighbourhood.
- Confirmed applicant involved with the project since November 2007.

Public HearingApril 1, 2008Karen Martin, 455 Hardie Road

- Bought her house from the owner's of the property now under application and were assured at the time that the owner's intention was to build a single family home not a duplex.
- Concerned raised over increased traffic and increased on street parking.

Norma Hannebauer, 460 Hardie Road

- Two driveways directly across from my property if this application is approved.
- Would like to see a single family home on this lot.
- Already have parking issues on the street.

Gordon Berrington, 560 Hemlock Road

- Trying to maintain a single family residence area.
- Concerned raised over parking on Hardie Road.

Paul Martin, 455 Hardie Road

- Opposed to this application. Would like area to remain single family.

Applicant:

- Parking will not be an issue. There is 1 driveway with 2 garages.
- This does not look like traditional duplexes.
- There are other RU6 lots on this road so precedence has already been set.
- Did not want garages out front, do not want a square box look. Planning told me to put garages in the back.
- There are many two levels homes on the street.
- I would have been able to beat deadline if I wasn't turned down by planning so many times. Did not know about DCC charges in mid-January 2008 when I met with the Planning Department.

There were no further comments.

- 3.7 Bylaw No. 9957 (OCP08-0004) and Bylaw No. 9958 (Z07-0087) – Kirschner Mountain Estates Ltd., Donald & Amy Kirschner, Parmjit & Jaspal Bhayana, John & Christine Hawkins, Jagpreet & Jasbir Bhandar, 255549 B.C. Ltd., 0708049 B.C. Ltd., Glenn Wudrich, Maryanne Sintihakis & Rejean Cossette, Kulwinder & Mandeep Dhani, James Zarr and Bryan & Cindy Burd/(D.E. Pilling & Associates Ltd.) – 1374, 1392, 1410, 1424, 1438, 1452, 1466, 1480, 1494, 1508, 1522, 1536, 1550, 1564, 1475, 1467, 1459, 1451, 1435 & 1419 Montenegro Drive and the south end of Loseth Road at Kirschner Mountain Estates - THAT Council forward OCP Bylaw Amendment No. OCP08-0004 to amend Map 19.1 of the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of:

Lot A Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plans KAP75167, KAP76806, KAP80103, KAP80832, KAP84278 and KAP85820, located at the south end of Loseth Road at Kirschner Mountain Estates, Kelowna, BC from Multiple Unit Residential - Low Density and Major Park/Open Space to Single/Two Unit Residential;

and a portion of Lot D Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plan KAP80103 located on south end of Loseth Road at Kirschner Mountain Estates from Multiple Unit Residential – Low Density to Single/Two Unit Residential;

as shown on Map "A" attached to the report of the Planning and Development Services Department, dated January 21, 2008, be considered by Council;

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AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act* as outlined in the report of the Planning & Development Services Department dated February 27, 2008;

AND THAT Rezoning Application No. Z07-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

A portion of Lot A Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plans KAP75167, KAP76806, KAP80103, KAP80832, KAP84278 and KAP85820, located at the south end of Loseth Road at Kirschner Mountain Estates, Kelowna, BC from:

1. A1 – Agriculture 1 Zone to RU4h – Low Density Cluster Housing (Hillside Area)(0.253 ha);
2. RU1h – Large Lot Housing (Hillside Area) zone to RU4h – Low Density Cluster Housing (Hillside Area) (0.539 ha);

A portion of Lot D Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plan KAP80103, located at the south end of Loseth Road at Kirschner Mountain Estates, Kelowna, BC from:

1. M3 – Low Density Multiple Housing to RU4h – Low Density Cluster Housing (Hillside Area) (0.637 ha); and
2. RM3 – Low Density Multiple Housing to RU1h – Large Lot Housing (Hillside Area) (0.325 ha);

and Lots 3 -22 Section 13 Township 26 Osoyoos Division Yale District Plan KAP84278, located at Montenegro Drive, Kirschner Mountain Estates, Kelowna, BC from A1 – Agriculture 1 Zone to RU1h – Large Lot Housing (Hillside Area) (1.775 ha)

as shown on Map “B” attached to the report of the Planning and Development Services Department, dated February 27, 2008, be considered by Council.

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

- Nil

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

Applicant, Rob Webster, D.E. Pilling and Associates

- Cluster housing to allow us to follow grades.
- Here to answer any questions.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 8:35 p.m.

Certified Correct:

Mayor

City Clerk

ACM/dld