

Public HearingJanuary 13, 2009

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, January 13<sup>th</sup>, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; 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 December 19, 2008, and by being placed in the Kelowna Daily Courier issues of January 7, 2009 and January 8, 2009, and in the Kelowna Capital News issue of January 7, 2009, and by sending out or otherwise delivering 627 letters to the owners and occupiers of surrounding properties between December 19, 2008 to December 24, 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. 10120 (Z08-0026) – Simran Enterprises/(T. Thomas & Associates) – 370 Hartman Road - THAT Rezoning Application No. Z08-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of East ½ Block 30, Sec. 26, Twp 26, O.D.Y.D. Plan 264, Except Plans B3948, B5293 and KAP76444, located on Hartman Road, Kelowna, B.C. from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

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

- Letter of Opposition:
  - Linda, Pearson, 354 Hartman Road (2)

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

Ted Thomas, Applicant's Representative

- The property was initially zoned RM1; however a request was made by several individuals that low income, affordable and assisted housing is more in need within the community.
- The privacy of each individual unit was taken into account and each unit would be rented out at an affordable price.
- There is no change to the footprint, density, square footage and coverage on the site.
- There is adequate parking on the site.

There were no further comments.

- 3.2 Bylaw No. 10121 (Z08-0088) – Rodney Dueck & Ann-Sofi Nathalie Dueck – 900 Graham Road - THAT Rezoning Application No. Z08-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 Section 22 Township 26 ODYD Plan 27280, located at 900 Graham Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Rutland Water District being completed to their satisfaction.

Staff:

- The delayed building permit is pending with respect to this rezoning application. If the rezoning does not proceed, then the dwelling will have to be demolished.

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

- Letters of Concern:
  - Al Figenshaw & Carolynn Lind, 936 Graham Road
  - Chuck Cook, 650 Ruston Road

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

Rodney Dueck, Applicant

- He understood that if the rezoning was not approved, the structure would have to be demolished.
- This will be a family dwelling as his family has 6 members.
- There will not be a separate entrance through the basement.
- The home and zoning are all in keeping with the OCP and the requirement of the City.
- No variances to the setbacks will be required.
- The building height meets the City's requirements and restrictions.

## Staff:

- TAs part of the demolition permit, the applicant will have to provide bonding to ensure that the second dwelling is demolished.
- The applicant is well aware of what the consequences are should the rezoning not be adopted.
- Staff can ask if there is a potential for posting a "Delayed Demolition Permit" on the structure so that the public is aware that the structure will be demolished should the rezoning be adopted.

There were no further comments.

- 3.3 Bylaw No. 10125 (Z03-0034) – Nicole Bullock/(Guy Steward) – 2898 East Kelowna – THAT Rezoning Application No. Z03-0034 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 5, Section 16, Township 26, O.D.Y.D., Plan 665, located on East Kelowna Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone in accordance with Map "A" attached to the Planning and Development Services Department report dated November 14, 2008 be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Preliminary Layout Review letter by the Subdivision Approving Officer;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities Department being completed to their satisfaction.

## Mayor Shepherd:

- Due to signage infractions, this application will be deferred to the February 10, 2009 Public Hearing.

- 3.4 Bylaw No. 10127 (Z08-0092) – Gregory & Darleen McCaw – 605 Horn Crescent - THAT Rezoning Application No. Z08-0092 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 1688S, SDYD, Plan KAP82290, located on Horn Crescent, Kelowna, B.C. from the RU2(h) Medium Lot Housing (Hillside Area) zone to the RU2(h)(s) Medium Lot Housing (Hillside Area) with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

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

- Letter of Opposition:
  - Michael Jacobs, 907 Ethel Street

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

Greg McCaw, Applicant

- The parking requirements have been met.
- Have spoken with the neighbourhood and has the support of the adjoining property owners.

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There were no further comments.

- 3.5 Bylaw No. 10128 (Z08-0091) – David & Linda Dyck and Robert & Joanne Stutters/(David Dyck) – 308 Moyer Road - THAT Rezoning Application No. Z08-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 47 Section 35 Township 26 ODYD Plan 425 except Plans 16532 and 17954, located at 308 Moyer Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Black Mountain Irrigation District being completed to their satisfaction.

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

- Letter of Support:
  - Kenna Graff, 355 Cornish Road

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.

- 3.6 Bylaw No. 10129 (Z08-0094) – Lorelei Johnson – 1343 Dilworth Crescent – THAT Rezoning Application No. Z08-0094 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 19, Section 29, Township 26, O.D.Y.D., Plan 5070, located on Dilworth Crescent, Kelowna, B.C. from the RU1 Large Lot Housing to RU1(s) Large Lot Housing with a secondary suite be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Works and Utilities being completed to their satisfaction.

The 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.

- 3.7 Bylaw No. 10132 (Z08-0097) – Michael Coulthard & Lesley Reid – 4020 Field Road - THAT Rezoning Application No. Z08-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 1 Township 26 ODYD Plan 34644, located at 4020 Field Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the South East Kelowna Irrigation District being completed to their satisfaction.

Staff:

- The proposed mobile home will be for a direct family member's residence.
- The "s" zone designation will stay with the property once rezoned.
- Unsure what the Agricultural Land Commission has in place to monitor whether or not a family member actually resides within the mobile home.

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

- Letters of Opposition:
  - Daniel & Heather Fogden, 4048 Gallagher's Terrace (2)
  - Joel & Nycole Yanow, 4037 Gallagher's Terrace
  - Lionel & Gailene Kambeitz, #13-4100 Gallaghers Parkland Drive
- Letter of Support:
  - Gordon & Theresa Hay, 4155 Field Road

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

Michael Coulthard, Applicant

- Does have farm status on the property.
- The second dwelling will be occupied by his father and sister and meets the conditions placed by the ALC.
- If the mobile home is no longer occupied by a family member, then the mobile home will have to be removed from the property.
- Signed a letter that the steep bank would not be touched without permission from the City to develop the bank.
- This will not be a mobile home, it will be, in fact, a module home.
- Originally intended to build a wood-framed structure on the site, but the ALC does not allow that and therefore opted for the construction of a modular home,
- Very limited as to where the second dwelling can be placed on the property due to a water easement on the site.
- Will proceed with an ALC application for exclusion should this rezoning not be supported by Council.
- There will be landscaping for privacy around the modular home.
- There is an access road to the property that is located off of Gallagher Road, which will not be used and landscape buffering will be done along that portion of the property.
- There will not be any excavation of the bank required.

There were no further comments.

4. TERMINATION:

Moved by Councillor Rule/Seconded by Councillor Given

**R038/09/01/13** THAT consideration of Bylaw No. 10125 be deferred to the Tuesday, February 10, 2009 Public Hearing.

Carried

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The Hearing was declared terminated at 7:01 p.m.

Certified Correct:

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Mayor

City Clerk

SLH/dld