

Public HearingFebruary 10, 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, February 10<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: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Deputy City Clerk, Karen Needham; Traffic & Transportation Engineer, Jerry Behl\* and Council Recording Secretary, Sandi Horning.

(\* 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 January 23<sup>rd</sup>, 2009, and by being placed in the Kelowna Daily Courier issues of February 2<sup>nd</sup>, 2009 and February 3<sup>rd</sup>, 2009, and in the Kelowna Capital News issue of February 1<sup>st</sup>, 2009, and by sending out or otherwise delivering 742 letters to the owners and occupiers of surrounding properties between January 23<sup>rd</sup>, 2009 and January 28<sup>th</sup>, 2009.

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. 10125 (Z03-0034) – Nicole Bullock/(Guy Steward) – 2898 East Kelowna Road – THAT Rezoning Application No. Z03-0034 to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of parts 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.

Councillor Reid declared a conflict of interest as a member of her family lives in the area and left the meeting at 6:07 p.m.

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## Staff:

- Advised that the actual access, should the Applicant build, will be off of the laneway.
- It will be necessary to ensure that all water servicing is met; and therefore, the Applicant will be required to make certain upgrades based on the East Kelowna Irrigation District's standards.

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.

Richard Bullock, Applicant's Representative

- Indicated that the staff report was straight-forward and was available for any questions.

## Gallery:

Judy Robson, O'Reilly Road

- Concerned about access to the property and the fact that there is now a panhandle planned.
- Concerned because the laneway is only 18 feet wide.
- Believes that there will be a requirement for a fire hydrant for the area, which will be located in the narrow laneway.
- Her property is accessed off of the laneway as well as seven (7) other property owners.

## Staff:

- Clarified that there will only be one additional dwelling that will be accessed off the lane.

Richard Bullock, Applicant's Representative

- Believes that a fire hydrant in the area would be beneficial to the entire neighbourhood.

There were no further comments.

- 3.2 Bylaw No. 10133 (Z08-0095) – Lipkovits Holdings Ltd and 0703966 BC Ltd/(Al Lipkovits) – 345 Woods Road - THAT Rezoning Application No. Z08-0095 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 22, Township 26, ODYD, Plan KAP86574, located on Woods Road, Kelowna, BC 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.

Councillor Reid rejoined the meeting at 6:21 p.m.

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

- o Letter of Opposition
  - Charlie & Eileen Dagleish, 310 Woods 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.

- 3.3 Bylaw No. 10137 (Z08-0107) – R A Quality Homes Ltd. – 239 Poonian Street – THAT Rezoning Application No. Z08-0107 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11, Section 25, Township 26, O.D.Y.D., Plan KAP80986, located on Poonian Street, Kelowna, B.C. from the RU2 – Medium Lot Housing Zone to the RU2(s) Medium Lot Housing with a Secondary Suite Zone be considered by Council;

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

Staff:

- As Item 3.4 being brought forward by the same applicant and deals with the same rezoning, staff will be speaking to both applications, even though Council will be required to consider them separately.
- The dwellings were under construction during the time of the applications and the applicant wished to ensure that all secondary suites would conform to the zoning requirements of the area.

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

- o Letter of Opposition
  - Jack Gares, 165 Surel Court
- o Letters of Support
  - Karl Schweers, 226 Poonian Street
  - Andy & Jessica Schlamp, 194 Poonian Court

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

Tony Khunkhun, R A Quality Homes Ltd., Applicant

- Advised that he is trying to address affordable housing within the City of Kelowna.

There were no further comments.

- 3.4 Bylaw No. 10138 (Z08-0108) – R A Quality Homes Ltd. – 251 Poonian Street – THAT Rezoning Application No. Z08-0108 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Section 25, Township 26, O.D.Y.D., Plan KAP80986, located on Poonian Street, Kelowna, B.C. from the RU2 – Medium Lot Housing Zone to the RU2(s) Medium Lot Housing with a 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:

- o Letter of Opposition
  - Jack Gares, 165 Surel Court
- o Letter of Support
  - Andy & Jessica Schlamp, 194 Poonian Court

- 3.5 Bylaw No. 10139 (OCP08-0025) and Bylaw No. 10140 (Z08-0090) – Andrew & Carolyn Stevenson – 718 Paret Road - THAT OCP Bylaw Amendment No. OCP08-0025 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, District Lot 357, S.D.Y.D. Plan KAP 86608 located on Paret Road, Kelowna, B.C., from Single/Two-Unit Residential to Educational/ Major Institutional as shown on Map “A” attached to the report of Land Use Management Department, dated December 9, 2008, be considered by Council;

AND THAT Council considers 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 Land Use Management Department dated December 9, 2008;

AND THAT Rezoning Application No. Z08-0090 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 357, S.D.Y.D., Plan KAP86608, located on Paret Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the P2 Educational and Minor Institutional zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0025 and 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 and Parks Department being completed to their satisfaction, including to secure a restrictive covenant that restricts all access and egress of traffic to forward movements only;

AND THAT final adoption be considered upon securing a restrictive covenant restricting the P2 use to “care centre - major” only, excluding all other P2 uses.

**Staff:**

- There is sufficient turning area within the parking area to allow all the vehicles to back out and exit the property in a forward movement.
- There are five (5) parking stalls located on the site.

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

- Letters of Opposition
  - John & Marlene Moncrieff, 708 Paret Road
  - Tony & Jeanne Gaspari, 704 Barnaby Road
  - Lynn Koester & Wayne Pettit, 709 Paret Road
  - Bob Gasser, 4693 Gordon Drive
  - Martin Knoll & Susan Floer, 769 Paret Road
  - Marty Knoll, 769 Paret Road
  - Ann Murphy, 713 Paret Road (4)
- Letters of Concern
  - Ann Murphy, 713 Paret Road (3)
  - Dianne Smith, 705 Paret Road
  - Art & Dianne Smith, 705 Paret Road
- Petition of Opposition
  - A petition of opposition signed by 37 residents of the surrounding area

- Additional Information from Applicant
  - Package of additional information received from applicant including a letter of clarification addressed to council in regards to questions raised at November 4, 2008 APC meeting, email from Planning Department in regards to the Works and Utilities concerns regarding the application, a list of license child care facilities in Kelowna and surrounding areas, email correspondence between the applicant and the Kelowna Child Care Society regarding the number and type of preschools in the area, email correspondence between the applicant and the Superintendent of Schools regarding the number of Kindergarten classes in the district, a site plan regarding the proposed amendments, an information package on guidelines for child care in the City of Kelowna, a photo of the site showing which trees are to be removed to allow for parking and 4 photos showing where traffic would enter the property.

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

Andrew Stevenson, Applicant

- Lives at 315 Providence Avenue in Kelowna.
- Gave background information regarding why he and his wife wish to open and operate a preschool.
- Will be catering to children between the ages of 3 – 5 years.
- Followed the City of Kelowna's guide for child care facilities and consulted with the City prior to purchasing the property.
- Believes that 718 Paret Road would be a perfect location for a preschool.
- Revised the application based on concerns raised by the Advisory Planning Commission.
- Confirmed that a covenant will be registered on the property restricting the use.
- There will be 1 class (1 morning session and 1 afternoon session) of up to 20 children with staggered start and end times.
- Based on City staff recommendations, the parking area was reconfigured to allow for a larger turning area.
- As this is a preschool, the safety standards are set and monitored by Interior Health Authority and would be required to meet certain requirements before a licence will be issued by Interior Health.
- Prior to purchasing the property, he spoke to the adjoining neighbours.
- Would be agreeable to erecting temporary signage in the area alerting the public to the fact there is a preschool in the area.
- The preschool would be operated 5 days a week (Monday-Friday).

Gallery:

Ann Murphy, 713 Paret Road

- Is opposed to the rezoning.
- Concerned about road safety.
- Based on the proximity to OKM, Paret Road is often used by a number of students walking to and from school.
- Believes that pedestrian traffic in the area will increase once the Bellevue corridor is constructed and opened.
- Concerned about traffic and pedestrian congestion in the area.

Marty Knoll, 769 Paret Road

- Concerned about the traffic as the road is already busy and drivers tend to speed.
- There have already been a number of accidents in the area due to traffic and speed.
- Concerned that the parking area is not large enough to accommodate parking and turning.
- Feels that the P2 designation will change the complexion of the neighbourhood.

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- Inquired why the applicant is applying for a rezoning when he could accommodate 15 children without it.
- Feels that the road is already too busy and dangerous.

## Staff:

- Advised that Care Centre, Minors are permitted uses under the current RU1 zone.
- Confirmed that the applicant could have up to 15 children in a preschool without having to rezone the property.

Andrew Stevenson, Applicant

- Is requesting a rezoning because he believes that a stand-alone designated facility for children is the best way to achieve a top-quality preschool.
- If the preschool was operated under the present zoning he would have to reside in the property and he does not wish to do so.
- Feels that there are several people in the neighbourhood who are angry about the Gordon Drive extension and they are using this venue to voice their concerns and opposition.

Carolyn Stevenson, Applicant

- Have spoken with Art Smith in order to address the concerns with the P2 use and the fact that a covenant will be placed on the property limiting the future use.

## Staff:

- Confirmed that there are difficulties with speeding on the road.
- In order to increase the visibility, staff would have to cut down trees to make more room; however cars would probably drive even faster.
- As it is an arterial road, staff are hesitant to put in traffic calming devices.

Carolyn Stevenson, Applicant

- Confirmed that there will be 5 parking stalls for parents to use.

## Staff:

- Staff are currently investigating traffic patterns and speeding in the area and are working closely with ICBC in order to find a solution to the speeding issue.

There were no further comments.

- 3.6 Bylaw No. 10141 (Z08-0100) – Eunkyung Chang – 905 Lanfranco Road - THAT Rezoning Application No. Z08-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 135 ODYD Plan 39866, located at 905 Lanfranco Road, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing 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 being completed to their satisfaction.

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

- o Letter of Concern
  - Laurie Weisbarber, 3459 Silverberry Road

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- Petition of Opposition
  - A petition of opposition signed by 18 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.

Eunkyung Chang, Applicant

- Purchased the property back in 2007 and hired a property manager to manage the property.
- Apologised for her tenants' behaviour and advised that the tenant was doing things without her consent and knowledge.
- The tenant will be moving out on February 28, 2009.

There were no further comments.

- 3.7 Bylaw No. 10142 (OCP08-0022) and Bylaw No. 10143 (Z08-0087) – Tower Ranch Holding Corporation Inc./(Host Consulting Ltd.) – 1638, 1855 and 1856 Tower Ranch Boulevard (OCP08-0022); 1638 and 1855 Tower Ranch Boulevard (Z08-0087) - THAT OCP Bylaw Amendment No. OCP08-0022 to amend Map 19.1 of the Kelowna 2020 – Official Community Plan Bylaw No. 7600, by changing the Future Land Use designations of Lots 1 & 6, Section 31, Township 27, ODYD, Plan KAP80993, and Strata Lots 1 & 2, Section 31, Township 27, ODYD, Strata Plan KAS3569 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located on McCurdy Road East, Kelowna, BC from the Commercial, Multiple Unit Residential (Low Density), and Private Recreation designations, to the Multiple Unit Residential (Low Density) and Private Recreation designations, as shown on Map "A" attached to the report of the Land Use Management Department dated December 24<sup>th</sup>, 2008, be considered by Council;

AND THAT Rezoning Application No. Z08-0087 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Strata Lots 1 & 2, Section 31, Township 27, ODYD, Strata Plan KAS3569 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 2455 McCurdy Road, Kelowna, BC from the CD6- Comprehensive Residential Golf Resort zone to the CD6- Comprehensive Residential Golf Resort (Liquor Primary) zone, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0022, and zone amending bylaw be forwarded to a Public Hearing for further consideration.

## Staff:

- The subject property is part of the Tower Ranch subdivision.

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

- Letter of Support
  - Donald & Lynne Spruston, 1817 Split Rail Place

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.

- 3.8 Bylaw No. 10145 (Z08-0081) – Frank & Eva Sipos/(Frank Sipos) – 4328 Bedford Lane - THAT Rezoning Application No. Z08-0081 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 32, Township 29, ODYD, Plan KAP76256, located on Bedford Lane, Kelowna,

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BC from the RR1-Rural Residential 1 zone to the RR1s-Rural Residential 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 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 South East Kelowna Irrigation District and the Interior Health Authority 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.

Shane Baxter, Applicant's Representative

- The family currently resides in the carriage home.
- The family has a special needs son and were hoping that the carriage home could be used by a caregiver as a residence.

Frank Sipos, Applicant

- It was always his intent that the dwelling would be a carriage house.
- At the time of the Building Permit, the design provided indicated that a single-family dwelling would be built on the property, but during the construction process, it was converted to a carriage home.

Staff:

- Unless the previous plans specifically noted that this dwelling would be a future carriage home, City staff do not have a mechanism to advise the applicant that a carriage home requires different zoning than a single-family dwelling.

There were no further comments.

3.9 Bylaw No. 10146 (Z08-0109) – George Barbour and Robin Gabert/(Architecturally Distinct Solutions) – 1850 Hollywood Road South – THAT Rezoning Application No. Z08-0109 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 14, Township 26, O.D.Y.D., Plan KAP82009, located on Hollywood Road South, Kelowna, B.C. from the RU1 Large Lot Housing zone to the RU!(s) Large Lot Housing with a 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 Rutland Waterworks be satisfied.

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.



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4. TERMINATION:

The Hearing was declared terminated at 7:48 p.m.

Certified Correct:

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Mayor

City Clerk

SLH/dld