

Public HearingApril 21, 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, April 21<sup>st</sup>, 2009.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Park & Landscape Planner, Barb Davidson\*; 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 3<sup>rd</sup>, 2009, and by being placed in the Kelowna Daily Courier issues of April 14<sup>th</sup>, 2009 and April 15<sup>th</sup>, 2009, and in the Kelowna Capital News issue of April 12<sup>th</sup>, 2009, and by sending out or otherwise delivering 251 letters to the owners and occupiers of surrounding properties Between April 3<sup>rd</sup>, 2009 and April 8<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. 10171 (Z09-0006) – City of Kelowna – 1960 Hollywood Road South - THAT Rezoning Application No. Z09-0006 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Plan 82009, Section 14, Township 26, ODYD, located 1960 Hollywood Road South, Kelowna, BC from the RU1 – large Lot Housing zone to the P3 – Parks & Open Space 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 Development Engineering Branch being completed to their satisfaction.

Staff:

- The subject property is owned by the City of Kelowna and a portion of the property is part of the Mission Creek Greenway.

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

- Letter of Concern:

- Theresa Jaschinsky, RDCO, 1450 KLO Road

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

Gallery:

Ray Cole, 1985 Hollywood Road South

- Lives right across the street from the subject property.
- Concerned about crime and safety in the area.
- Concerned about dirt bikes and quads using the site.
- Concerned about garbage in the area as he is already experiencing problems with the Greenway.
- Concerned that the proposed mountain bike park will decrease his property value.
- Opposed to the rezoning.
- Concerned about traffic and speeding on Hollywood Road South.
- Advised that he already has 12-14 feet high cedars boarding his property so any kind of screening by the City will not alleviate his visual concerns.
- Would like the parking lot relocated to a different area of the mountain bike park.
- Does not want to look out from his property and see "port-a-potties".
- Bought his property 4 years ago and assumed that the "open field" in the area would always be an "open field".

Barb Davidson, Park & Landscape Planner, City of Kelowna

- The property was purchased in 1996 for park use and is currently maintained as a vacant property.
- Regular inspections will occur once the park is developed.
- The parking area will be gravel with a locked security gate (6 am – 10 pm) that will be monitored by a security company.
- The sewer does not extend out to the subject property and therefore portable toilets will need to be erected on the site. Access to the portable toilets is required so that they can be emptied and maintained.
- Confirmed that this location was the #1 site as identified by the consultant.
- A layout for the facilities of the park has not been developed. The RFP closed last week and a consultant has not yet been selected.

There were no further comments.

- 3.2 Bylaw No. 10172 (Z09-0003) – Brett and Corinne Wade – 1515 Lawrence Avenue - THAT Rezoning Application No. Z09-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 20 Township 26 ODYD Plan 17862, located at 1515 Lawrence Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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 Development Engineering Department being completed to their satisfaction.

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

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- Letter of Support submitted by the Applicant:
  - Reiner Teschinsky, 1531 Lawrence Avenue
- Letter of Concern:
  - Larry & Bonnie Hrabchuk, 1491 Lawrence Avenue

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

Brett Wade, Applicant

- Gave a presentation to Council setting out why he requires this rezoning.
- Purchased the home in 2000.
- Advised that the detached garage is the only logical solution to obtain more space.
- The garage is 10 feet from the principle dwelling.
- The overall square footage will be approximately 450 square feet.
- Confirmed that there is adequate parking on the site.
- Has obtained the support of his immediate neighbours.
- The rezoning was a requirement of the City of Kelowna and it is not his intention to rent out the space as he does not wish to be a landlord.

## Gallery:

Larry Hrabchuk, 1491 Lawrence Avenue

- Submitted a letter of concern via the Office of the City Clerk.
- Would like a restrictive covenant placed on the property so that the suite above the garage cannot be rented out.
- Believes that the character of the neighbourhood will change if this rezoning goes through.
- Strongly objects to the rezoning.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:48 p.m.

Certified Correct:


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 Mayor

SLH/dld

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 Deputy City Clerk