

Public HearingOctober 6, 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, October 6<sup>th</sup>, 2009.

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

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: Acting City Manager, Jim Paterson; 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 6:08 p.m.

Mayor Shepherd advised that Item 6.1(b) on the Regular Meeting Agenda will have to be deferred to the October 20, 2009 Regular Meeting as the statutory requirements for notification were not met.

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 September 18, 2009, and by being placed in the Kelowna Daily Courier issues of September 28, 2009 and September 29, 2009, and in the Kelowna Capital News issue of September 27, 2009, and by sending out or otherwise delivering 601 letters to the owners and occupiers of surrounding properties between September 18, 2009 and September 24, 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. 10233 (Z09-0043) - Pacifico Developments Ltd; THD Consulting Ltd; 0722955 BC Ltd; Clayface Stucco & Stone Corporation; Jonathan Schindelka and Victoria Carson; Chong-He Koh and Quentin Trollip; Jamie Klassen; Glenn Cho/(City of Kelowna) - 5268, 5278, 5288, 5298, 5308, 5318, 5328, 5338, 5348 Upper Mission Drive and 5127 Chute Lake Road - THAT Rezoning Application No. Z09-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- i. Lots 1-9 Section 24 Township 28 SDYD Plan KAP87908, located at 5268, 5278, 5288, 5298, 5308, 5318, 5328, 5338, and 5348 Upper Mission Dr, Kelowna, B.C. from the RR2h - Rural Residential (Hillside Area) zone to the RR2 - Rural Residential 2 zone;
- ii. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RU1h - Large Lot Residential (Hillside Area) zone to the RR3 - Rural Residential 3 zone;

- iii. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR3h - Rural Residential 3 (Hillside Area) zone to the RR3 - Rural Residential 3 zone;
- iv. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR3h - Rural Residential 3 (Hillside Area) zone to the RR2 - Rural Residential 2 zone;
- v. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR2h - Rural Residential 2 (Hillside Area) zone to the RR2 - Rural Residential 2 zone;

all as shown on Map "B" attached to the report of the Community Sustainability Division, dated August 13, 2009, be considered by Council;

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

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

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

- 3.2 Bylaw No. 10235 (TA09-0005) - City of Kelowna - Text Amendment to the City of Kelowna Zoning Bylaw 8000 - THAT Zoning Bylaw Text Amendment No. TA09-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated August 13, 2009 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0005 be forwarded to a Public Hearing for further consideration.

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

Mayor Shepherd invited 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. 10236 (Z09-0034) - Malis & Raymond Seida, Elizabeth & Siegmar Seida/(Malis & Raymond Seida) - 122 Wyndham Crescent - THAT Rezoning Application No. Z09-0034 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 4, Twp. 23, O.D.Y.D., Plan KAP52773, located at 122 Wyndham Cr. Kelowna, B.C. from the 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;

AND THAT the covenant KK106748 be discharged from the title prior to final adoption;

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

Public HearingOctober 6, 2009

- 3.4 Bylaw No. 10237 (Z09-0033) - Malis Seida & Raymond Seida - 124 Wyndham Crescent - THAT Rezoning Application No. Z09-0033 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, Section 4, Twp. 23, O.D.Y.D., Plan KAP51847, located at 124 Wyndham Cr. Kelowna, B.C. from the 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;

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

Councillor Rule declared a conflict of interest as she lives within the notification area for Bylaw No. 10236 (Z09-0034) and Bylaw No. 10237 (Z09-0033) and left the meeting at 6:19 p.m.

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.

Gallery:

Andrew Draper, 130 Wyndham Crescent

- Generally concerned about the traffic impacts when adding additional residences to the area.
- Believes that this will set a precedent and will encourage other property owners to rezone their properties so that secondary suites are allowed.
- Concerned about the on-street parking in the area.

Dale Krebbers, 128 Wyndham Crescent

- Concerned about parking in the area as there appears to be a shortage.
- Concerned that the development in the area and the increase in density being approved as he believes that this will have an adverse affect on parking.
- Would like to see fewer suites in the neighbourhood due to the amount of cars already parking on the street.
- Concerned about the amount of traffic flowing through the neighbourhood.

Raymond Seida, Applicant

- Advised that there is enough off-street parking on sites.
- Have already imposed parking restrictions on the tenants of 122 Wyndham Crescent.
- Is prepared to ensure that the tenants of the subject properties adhere to the parking restrictions that are being imposed by the property owners.

Staff:

- Confirmed that there have been a number of bylaw complaints with respect to parking in the Wyndham Crescent area.
- Confirmed that both of these rezoning applications meet the requirements for parking.

Representative of Mills Villa Ventures II Ltd., Owner of 129 Wyndham Crescent

- Confirmed that 129 Wyndham Crescent has been rezoned to RM5.
- Confirmed that there will be quite a bit of traffic in the area once the building has been constructed.

- 3.5 Bylaw No. 10239 (Z09-0028) - Arlene Tuttle/(Chris Vickery) - 3832 Finch Road - THAT Rezoning Application No. Z09-0028 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 32, Township 23, O.D.Y.D., Plan 38647, located on Finch Road, Kelowna, B.C. from the A1 Agriculture 1 zone to the A1(s) 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.

Councillor Rule returned to the meeting at 6:37 p.m.

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.

- 3.6 Bylaw No. 10240 (Z09-0036) - Satinderpal S. Ghuman & Rajandeep K. Ghuman - 745 Renshaw Road - THAT Rezoning Application No. Z09-0036 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 143, ODYD Plan KAP76112, located on Renshaw Road, Kelowna, B.C. from the RU1 Large Lot Housing zone to the RU1(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 discharge of the restrictive covenant.

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

- o Letters of Opposition:
  - Steve and Amy Galic, 696 Renshaw Road
  - Heide Bell, 796 Hollywood Road North
  - Ed and Sue Rempel, 736 Hollywood Road North
  - Gisela Stein, 748 Hollywood Road North

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

Axel Hilmer, Applicant's Representative

- The building as built was approved by the City's Building Department.
- The reason this is before Council today is simply because the owner installed a door between the principle residence and the second kitchen area.
- Advised that there is adequate parking on the site.
- At the time the Covenant was placed on the property, second kitchens were allowed under the City's bylaws.
- By placing a door on the second kitchen area, the area is now considered a secondary suite and the applicant now wishes to rezone the property so that the secondary suite can be legalized.

Staff:

- Displayed a copy of the Restrictive Covenant that was registered on title that restricts the property to having one, single-family residential dwelling.

Public HearingOctober 6, 2009

- Advised that the Restrictive Covenant was registered against the title to the subject property late in November 2006.
- Confirmed that there was a Permit issued for a second kitchen on this property and a consent was signed by the owner to ensure that the property was not rented out as a secondary suite.

## Gallery:

Gail Thompson, 736 Renshaw Road

- The homes on one side of the road were built in the 1970's, while the homes on the other side of the road were built in 1996.
- Believes that only single-family dwelling are allowed on the street.
- Advised that the City forwarded letters to property owners in the area confirming that only single-family dwellings would be constructed on the street.
- Has documented evidence that secondary suites increase traffic in the area and often erode the integrity of the neighbourhood, therefore resulting in an increase in crime.
- Commercial vehicles are continually parking along the street.
- Believes that there is a problem in the neighbourhood with illegal suites.
- Concerned about traffic in the area due the proximity of the neighbourhood to Pearson Elementary.
- Concerned about increased parking as a result of secondary suites.

Helen Zylla, 726 Renshaw Road

- Received a questionnaire in July of 2003 from the City of Kelowna with respect to the construction of the homes in the area.
- Received a letter from the City of Kelowna in November of 2003 stating that the construction in the area will only include single-family dwellings.
- Believes that all of the infrastructure services in the area were constructed on the basis of single-family dwellings.

## Staff:

- Confirmed that the RU1 zoning back in 2003 did allow for a RU1s rezoning should a property owner choose to apply to the City for that rezoning.

Axel Hilmer, Applicant's Representative

- Confirmed that the subject property can be accessed off the back laneway and therefore there is more than adequate parking provided on site for the tenants.
- The applicant is providing 4 (tandem) parking stalls when only 3 are required.

There were no further comments.

- 3.7 Bylaw No. 10241 (Z09-0039) - Colin Thomson, Brenda Thomson & Dorothy Thomson - 4150 Lakeshore Road - THAT Rezoning Application No. Z09-0039 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 6, Township 26 and of District Lot 5040, O.D.Y.D., Plan 39376, located on Lakeshore Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot 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 Development Engineering Department and the Environment Branch, 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.

Public Hearing

October 6, 2009

Brenda Thomson, Applicant

- Have not actually contemplated a shared access driveway to the subject property, but would be willing to discuss this with the Subdivision Approval Officer.
- Even though she is subdividing the property, she doesn't intend on developing the new parcels.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:23 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk