

Public HearingDecember 1, 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, December 1<sup>st</sup>, 2009.

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

Council members absent: Councillor Angela Reid.

Staff members in attendance were: City Manager, Ron Mattiussi; 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 6:04 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 November 13, 2009, and by being placed in the Kelowna Daily Courier issues of November 23, 2009 and November 24, 2009, and in the Kelowna Capital News issue of November 22, 2009, and by sending out or otherwise delivering 311 letters to the owners and occupiers of surrounding properties between November 13, 2009 and November 18, 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. 10257 (Z09-0023) - Bhupinder and Raj Dhanwant/Bob Dhanwant - 410 Hartman Road - THAT Rezoning Application No. Z09-0023 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 KAP46388, located on Hartman Road, Kelowna, B.C. from the RR3 Rural Residential 3 zone to the 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 subsequent to the requirements of Development Engineering Department and Black Mountain Irrigation District, being completed to their satisfaction;

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

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

- Letter of Concern:
  - Joanne Kluserits, 370 Hartman Road

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

Bhupinder (Bob) Dhanwant, Applicant

- Displayed photos of the subject property and the surrounding area.
- Believes that this development will fit nicely into the surrounding neighbourhood.
- Advised that he is not willing to demolish the subject property.
- Believes that the subject property fits the criteria for the proposed rezoning.
- Explained the location of the proposed garage for the development and confirmed that there will be a single car garage for each unit being proposed.
- Advised that due to the setback requirements, the landscaping will be slightly different than what was proposed.

There were no further comments.

- 3.2 Bylaw No. 10258 (Z09-0045) - Carrie Moir - 2080 KLO Road - THAT Rezoning Application No. Z09-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 District Lot 131 ODYD Plan 18771, located at 2080 KLO 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.

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.

- 3.3 Bylaw No. 10259 (Z09-0055) - Arnaldo and Norberta Magsajo - 1294 Black Mountain Crescent - THAT Rezoning Application No. Z09-0055 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 18, Township 27, ODYD, Plan KAP82430, located at 1294 Black Mountain Crescent, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU1(s) - Large 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

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

- Letters of Opposition:
  - Dan Hyatt, 1306 Black Mountain Crescent
  - Jim and Lisa McHaffie, 1369 Black Mountain Crescent
  - Wayne and Sandra Hunter, 1318 Black Mountain Crescent
  - Steven and Patricia Marino, 1366 Black Mountain Crescent

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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.

Jim Langley, Applicants' Representative

- Advised that the applicants were unable to attend the Public Hearing as they are in Vancouver.

## Gallery:

Dan Hyatt, 1306 Black Mountain Crescent

- This is the smallest lot on the street with no off-street parking.
- Believes this will devalue properties in the neighbourhood.

Wayne Hunter, 1318 Black Mountain Crescent

- Thoroughly objects to the application and believes that this will devalue his property.
- Believes that the owner built the house with the intention of putting a basement suite in the property.

Mark Conrad, 1333 Black Mountain Crescent

- Opposed to the rezoning.
- Works in the construction industry and believes that the applicants will put in this suite whether Council approves the rezoning or not.
- Advised that there is problem with on-street parking in the area.
- Believes that there is not enough room on Black Mountain Drive to accommodate vehicles when they are parked on the street.
- Believes that the applicants are not keeping the property clean and free of debris during construction.
- Believes that the problem in the neighbourhood was caused by the developer of the subdivision.
- Believes that there are approximately 5 or 6 illegal suites on Black Mountain Crescent.
- Expressed a concern with the Building Scheme registered on the properties in the development.
- Advised that the applicants have not approached him with respect to this application and that the only notice he received about this rezoning is the Notice that was sent out and delivered by the City.

## Staff:

- Confirmed that this application does meet the Bylaw requirements for parking.

Chad Todosichuk, 1309 Black Mountain Crescent

- Expressed a concern with the parking plan submitted by the applicants.
- Believes that everything has been maxed out on the lot to the point where the applicant has over built the footprint.
- Believes that the dwelling on the property does not meet the requirements of the Building Scheme.
- Advised that the drawings displayed by staff do not accurately represent the actual building on the site.
- Concerned about the height of the structure and the fact that the height may be greater than what is being proposed.

Sarah Koehler, 1309 Black Mountain Crescent

- Opposed to the rezoning.
- Concerned about on-street parking and safety issues.
- When she bought her property, the Building Scheme was strictly laid out and she understood that the Building Scheme does not allow for secondary suites.
- Believes that this corner property is not the suitable site for a secondary suite due to sightline issues and safety concerns.

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- Believes that the parking problem in the area is a direct result of illegal suites.

Jim Langley, Applicants' Representative

- Believes that the applicants have been working with the City in order to ensure that the property meets all the parking and zoning requirements.
- Believes that the applicant is trying to follow the proper process and is not trying to be pull a "fast one" on Council or the neighbourhood.
- Believes that the plan that was displayed by staff is accurate and that it is up to City Planning staff to ensure that the dwelling is constructed in the manner proposed.

Staff:

- Were not aware of the changes to the plans.
- Based on the information provided to staff, the driveway is noted as being 6m, which meets the Bylaw requirements.

Moved by Councillor Hobson/Seconded by Councillor Hodge

**R1126/09/12/01** THAT THE Public Hearing with respect to Bylaw No. 10259 be kept open pending receipt of further information from staff regarding the site configuration and the concerns of the neighbourhood with respect to parking and sidewalk location;

AND THAT the Public Hearing with respect to Bylaw No. 10259 be rescheduled to the December 15, 2009 Public Hearing.

Carried  
Councillor Blanleil and Stack - Opposed

- 3.4 Bylaw No. 10260 (Z09-0052) - Susan and Gerald Lord - 235 Gibbs Road West - THAT Rezoning Application No. Z09-0052 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 26, Township 26, ODYD, Plan 12452, located at Gibbs Road west, Kelowna, BC, 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 in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property.

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 7:11 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk