

Public HearingDecember 15, 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 15th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, 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; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:08 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 27, 2009, and by being placed in the Kelowna Daily Courier issues of December 7, 2009 and December 8, 2009, and in the Kelowna Capital News issue of December 6, 2009, and by sending out or otherwise delivering 276 letters to the owners and occupiers of surrounding properties between November 27, 2009 and December 2, 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. 10264 (Z09-0063) - Joan Needham - 4646 McClure Road - THAT Rezoning Application No. Z09-0063 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 25, Township 28, SDYD, Plan 29484, located at 4646 McClure Road, Kelowna, B.C. from the from the RU1 - Large Lot Housing zone to the RU1(s) - 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; 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to a No Disturb covenant being registered on title in order to protect the Bellevue Creek Riparian Management Area.

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.

- 3.2 Bylaw No. 10265 (OCP07-0022) and Bylaw No. 10266 (Z07-0073) - Al Stober Construction Ltd./Meiklejohn Architects Inc. - 477 Osprey Avenue - THAT OCP Bylaw Amendment No. OCP07-0022 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, D.L. 14, O.D.Y.D., Plan 4280, located on Osprey Avenue, Kelowna, B.C., from the current "Multiple Unit Residential - Medium Density" designation to the proposed "Commercial" designation, as shown on Map "A" attached to the report of Land Use Management Department, dated October 30, 2009, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process, to be appropriate consultation for the purpose of section 879 of the *Local Government Act*;

AND THAT Rezoning Application No. Z07-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 14, O.D.Y.D., Plan 4280, located on Osprey Avenue, Kelowna, B.C., from the existing P2 - Education and Minor Institutional zone to the proposed C4 - Urban Centre Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0022 and 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;

AND FURTHER 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.

Jim Meiklejohn, Meiklejohn Architects Inc., Applicant

- This is a simple rezoning
- Once the property has been consolidated with the adjoining property, a Development Permit application will be applied for

Gallery:

Carol Houghton, Area Resident

- Because the proposed parking structure has open windows along the side, she is concerned about vehicle emissions. She would prefer that solid walls be erected in the parking structure to ensure that the emissions will be contained.
- Expressed a concern with respect to the potential height of the parking structure.

There were no further comments.

- 3.3 Bylaw No. 10268 (HD09-0001) - 0847922 BC Ltd./Trotter & Morton - 520 Clement Avenue - THAT City Council consider designation of the building located at 520 Clement Avenue, Kelowna, B.C., commonly known as the CN Station as a Municipal Heritage Site pursuant to Section 967 of the *Local Government Act*;

AND THAT the Heritage Designation 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.

- 3.4 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 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.

Staff:

- Advised that a site visit was done.
- Advised that the building does deviate from the plans that were submitted, however those changes are rudimentary in nature.
- Advised that the Survey Certificate indicates that the front yard setback requirements have been met.
- Advised that the parking being provided meets the City's requirements.
- Advised that there is a concern with respect to the on-street parking in front of the subject property with respect to sight-line issues.

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.

Arnaldo Magsajo, Applicant

- Advised that the concrete pad of the driveway will be extended all the way to the fence.
- Advised that his family drives two (2) compact vehicles.
- Would like to have additional parking on the site and would be willing to designate a specific area for tenant parking.
- The developer instructed him to build the house and then apply for the rezoning to the "S" designation. If the developer had not advised him to proceed in this manner, he would not have bought the property.
- Would be willing to have off-street parking in the front of the property restricted.
- Is working closely with City staff to ensure that the rezoning process was followed properly.

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- Advised that he did not meet with the neighbourhood residents to advise them of what was happening on the site.

Grant Milleck, Applicant's Representative

- Clarified why the structure was constructed differently than the plans that were submitted to City staff.

Gallery:Chad Todosichuk, 1309 Black Mountain Crescent

- The corner site line is very dangerous and is a safety concern.
- Expressed a concern that the subject dwelling does not meet the Building Scheme that was registered against the properties in the Black Mountain subdivision.
- He was under the understanding that no basement suites would be permitted within the Black Mountain subdivision.
- If the owner of the property had approached the neighbourhood residents prior to proceeding with this application, the neighbourhood may not have been so upset about what was happening on the site.
- Expressed a concern with respect to the location of the Development Sign on the property.
- Believes that there should be no parking on the street in front of the subject property.

Sarah Koehler, 1309 Black Mountain Crescent

- Believes that the subject property is not a suitable site for a secondary suite.
- Does not understand why tandem parking is allowed as it is an inconvenience.

Arnaldo Magsajo, Applicant

- Advised that he has spoken with the developer's representative with respect to the requirements of the Building Scheme and have been provided with a copy of the Building Scheme's guidelines.
- The parking stalls that are being proposed in front of the garage will be designated for visitors only. The tenant parking will be designated along the side of the garage.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:12 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld