

Public HearingJune 1, 2010

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, June 1st, 2010.

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

Staff members in attendance were: Acting City Manager, Jim Paterson; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; 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 May 14, 2010, and by being placed in the Kelowna Daily Courier issues of May 25, 2010 and May 26, 2010, and in the Kelowna Capital News issue of May 23, 2010, and by sending out or otherwise delivering 675 letters to the owners and occupiers of surrounding properties between May 14, 2010 and May 21, 2010.

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. 10306 (Z09-0077) - Rex Jardine and Jardine Investments Inc./Tex Jardine - 4064 Lakeshore Road - THAT Rezoning Application No. Z09-0077 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD Plan KAP89719, located at 4064 Lakeshore Road, from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone to facilitate a two lot subdivision 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 Department being completed to their satisfaction.

This Agenda item will have to be deferred by Council during the Regular Meeting as the development sign was not posted on the subject property correctly, and therefore, the Applicants did not meet the requirements of the City's Development Application Procedure Bylaw.

- 3.2 Bylaw No. 10339 (Z10-0015) - Randolph, Deanna and Inez Palatin/Inez Palatin - 1707 Morrison Road - THAT Rezoning Application No. Z10-0015 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 36 Township 26 ODYD Plan KAP90335 located at 1707 Morrison Road,

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Kelowna, B.C. from the 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District and the Interior Health Authority being completed to their satisfaction.

The Deputy 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.

Inez Palatin, Applicant

- Advised that the mobile home will be inhabited by her daughter who will be acting as her caregiver.
- Provided an explanation of why the homesite severance application with respect to this property was conducted a few years ago.

Staff:

- Confirmed that the Agricultural Land Commission will allow the structure to remain on the site; however, the City requires the property to be rezoned.
- Provided clarification with respect to the process regarding what will happen to the mobile home once it is no longer inhabited by an immediate family member. If the family member no longer uses the mobile home, then it cannot be inhabited and the mobile home must be decommissioned.
- Confirmed that if the mobile home was decommissioned, the "s" zone would remain with the property.
- Advised that the Affidavit is required pursuant to the *Agricultural Land Commission Act*.

Inez Palatin, Applicant

- Advised that she has had discussions with the Agricultural Land Commission prior to initiating this application with the City of Kelowna.
- Expressed a concern with the allowable size of the accessory structure.

Councillor Craig joined the meeting at 6:20 p.m.

Kevin, Applicant's Representative

- Clarified the discussions that the applicant had with the Agricultural Land Commission.

Staff:

- Clarified the requirements for a non-farm use application within the Agricultural Land Reserve.

There were no further comments.

- 3.3 Bylaw No. 10340 (Z10-0019) - Swaranjit and Harbant Punia/Swaranjit Punia - 650 Wayne Road - THAT Rezoning Application No. Z10-0019 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 22, Township 26, ODYD, Plan KAP58290, located at Wayne Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s 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 an occupancy permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the discharge of the single dwelling restrictive covenant.

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

- Letter of Opposition:
 - Brad Udell, 1075 Hollywood Road South

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

Swaranjit Punia, Applicant

- Agrees with staff's comments.

There were no further comments.

- 3.4 Bylaw No. 10341 (Z10-0022) - Andrew and Yvonne Moore/Andrew Moore - 720 Turner Road - THAT Rezoning Application No. Z10-0022 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, District Lot 358, ODYD, Plan 26738, located at Turner Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s 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 a building permit for the suite be applied for prior to final adoption of the zone.

Staff:

- Confirmed that DCC's apply to all secondary suites at the time of application and staff try to communicate that at the time of the initial application.

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

- Letters of Opposition:
 - Ernie Fahrion, 714 Turner Road
 - Richard & Valerie Woolley, 4283 Turner Road

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

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Ernie Fahrion, 714 Turner Road

- Does not believe that there is ample parking on the site to accommodate a secondary suite.
- Confirmed that his main concern is the lack of parking on the site.
- The entrance to his property is directly abutting the subject property and he is concerned that the vehicles on the subject property will impede his site lines.
- His experience with the property over the past few years is that there is not enough parking on the site to support a secondary suite.
- Wants to maintain the integrity of the area and ensure that there is not any on-street parking allowed.
- Advised that the applicant did not contact him prior to bringing this application forward to Council.
- Advised that there is room for 4 vehicles, but that the vehicles would have to be parked in a stacked/tandem formation.

Councillor Blanleil joined the meeting at 6:34 p.m.

Staff:

- Advised that the common access point to the shared access driveway is technically City roadway.
- Confirmed that there is no reciprocal access easement registered on the title to the three (3) affected properties.

Andrew Moore, Applicant

- Confirmed that there are five (5) parking spots available on the site; two (2) in the garage and three (3) in front of the garage.
- Has never had a discussion with his neighbours regarding any issues with parking or driveway access.
- The safety of his young children are his main concern.
- Unfortunately, he did not speak with Mr. Fahrion prior to the application.
- Is willing to address any parking or access issues if they are brought to his attention.
- Confirmed that he currently owns two (2) vehicles.

There were no further comments.

3.5 Bylaw No. 10322 (LUC09-0003); Bylaw No. 10323 (OCP09-0013); Bylaw No. 10325 (Z09-0044) - Various Owners/City of Kelowna - Dilworth Mountain Estates

This Agenda Item was withdrawn by staff as Council directed staff during the May 31, 2010 Special Meeting to amend the Bylaws in order to address the School District's concerns with their properties.

4. TERMINATION:

The Hearing was declared terminated at 6:46 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld