

Public HearingSeptember 7, 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, September 7<sup>th</sup>, 2010.

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

Council members absent: Councillor Andre Blanleil.

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 6:03 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 August 20, 2010, and by being placed in the Kelowna Daily Courier issues of August 30, 2010 and August 31, 2010, and in the Kelowna Capital News issue of August 29, 2010, and by sending out or otherwise delivering 323 letters to the owners and occupiers of surrounding properties between August 20, 2010 and August 27, 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. 10232 (Z10-0049 Nancy and Stephen Moretti - 1422 Alta Vista Road - THAT Rezoning Application No. Z10-0049 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 15, District Lot 137, ODYD, Plan 13998 located at Alta Vista 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;

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.

City Clerk:

- Clarified the City's Bylaws with respect to on-street parking and restrictions

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

- Letter of Support:
  - Myrle McLeod, 404-1110 Lawrence Avenue
- Letter of Opposition:
  - Tanya Lohse, 1433 Alta Vista Road

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

Nancy Moretti, Applicant

- Advised that she and her husband purchased the home.
- She would like to update the property inside and out.
- Confirmed that there is sufficient off-street parking for the proposed suite.

There were no further comments.

- 3.2 Bylaw No. 10385 (Z10-0041) - Harjit and Sukhwinder Randhawa - 1321 Tanemura Crescent - THAT Rezoning Application No. Z10-0041 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, Section 13, Township 26, ODYD Plan KAP 85143 , located at Tanemura 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.

Staff:

- Advised that the Transportation Services Division is restricting the area in the front of the subject property as a "no parking" zone.
- Confirmed that the suite entrance has been relocated. The entrance has been moved further west which gives the tenants a more direct access to the driveway.
- Advised that allowing a fence to be erected without a gate could be a potential liability.

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.

Applicants' Representative

- Advised that the Applicants were prepared to erect a fence, without a gate, along the subject property; however due concerns raised by staff, that is no longer an option.

Gallery:Raymond Barter, 1293 Roth Avenue

- Feels that the parking restrictions along the property line should be strengthened and restricted further.
- Feels that the new suite entrance does not deal with the concerns of access by the tenants to the parking area.

Applicants' Representative

- Confirmed that City staff have given their approval to the new suite entrance.

City Clerk:

- Advised that the City's traffic bylaw restricts parking within 10m of an intersection.

There were no further comments.

- 3.3 Bylaw No. 10386 (Z10-0047) - Gregory and Dixie Lefebvre/Architecturally Distinct Solutions Inc. - 700 Barnaby Road - THAT Rezoning Application No. Z10-0047 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, District Lot 357, SDYD Plan KAP69370, located at Barnaby Road, Kelowna, BC, from the RR2 - Rural Residential 2 zone to the RR2s - Rural Residential 2 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.

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.

Dave Lewis, Applicants' Representative

- Believes that this is a straight-forward rezoning application.

There were no further comments.

- 3.4 Bylaw No. 10393 (Z10-0062) - Gursewak and Ramandeep Bains - 1494 Montenegro Drive - THAT Rezoning Application No. Z10-0062 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 13, Township 26 ODYD Plan KAP84278 located at Montenegro Drive, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) 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;

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

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

- o Letter of Opposition:
  - Peter Bihun, 1620 Sunrise Road
- o Letter of Concern:
  - Blake McFetridge, 453 Cascia Drive

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

## Gallery:

Allan Berg, 1627 Sunrise Road

- Opposed to the rezoning.
- Believes that the lots in the area were originally designated as single-family lots and he purchased his property a year ago with the expectation that the neighbourhood would be single-family residential and not multi-family residential.
- Feels that rezoning the property for a secondary suite would be detrimental to the neighbourhood.
- Believes that the illegal suites in the neighbourhood are already causing parking and traffic problems.
- Believes that there is inadequate parking on the site for the suite.
- Expressed a concern that there are already issues in the neighbourhood regarding emergency vehicle turnarounds.

## Staff:

- Confirmed that a majority of the residences are accessed off the back laneway rather than directly off of Montenegro Drive.
- Confirmed that the parking requirements for the site have been met.

There were no further comments.

- 3.5 Bylaw No. 10394 (Z10-0045) - Gurmit & Naveep Sidhu and Rajwinder and Harparkash Rajan/Interior BC Holdings Ltd. - 1750 McKenzie Road - THAT Rezoning Application No. Z10-0045 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 36 Township 26 ODYD Plan 25654 Except Plan KAP90335 located at 1750 McKenzie Road, Kelowna, B.C. from the from the A1 - Agriculture 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;

AND THAT final adoption be considered subject to a Building Permit application being made for the suite.

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.

Raj Rajan, Applicant

- Advised that secondary suite will be occupied by his mother.

There were no further comments.

- 3.6 Bylaw No. 10395 (Z10-0053) - Cindy Ferguson/New Town Planning Services - 195 Swick Road - THAT Rezoning Application No. Z10-0053 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 16, Township 28, SDYD Plan 17902 located at Swick Road, Kelowna, BC, from the RR1 - Rural Residential 1 zone to the RR1s - Rural Residential 1 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department and the Environmental 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.

Jeanette Elmore, New Town Planning Services, Applicant's Representative

- Gave a presentation with respect to the proposed rezoning application.
- Confirmed that the subject property is over 3 hectares in size.
- Believes that adding another residence to the property will not affect the density in the neighbourhood.
- Advised that the plan includes building a smaller caretaker's residence on the area of the property that borders Lakeshore Road. The caretaker's residence be situated a significant distance from the primary residence.
- Advised that the trees on the site will be left as undisturbed as possible.
- Confirmed that the Applicant is working with the City's Environmental Branch with respect to a Riparian Enhancement Plan for the property.
- The secondary suite will be situated in the accessory building, which accessory building will be utilized as a caretaker's cottage.
- Advised that access to Lakeshore Road has not yet been formally approved by City staff.

Staff:

- Land Use Management staff do not anticipate any problems with access to the accessory building off of Lakeshore Road.

There were no further comments.

- 3.7 Bylaw No. 10396 (OCP10-0010) and Bylaw No. 10397 (Z10-0057) - Kirschner Mountain Estates Ltd. and Donald & Amy Kirschner/Mission Group Creations Ltd. - 2061 Garner Road and 2045 Loseth Road - THAT OCP Bylaw Amendment No. OCP10-0010 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 2061 Garner Road, Kelowna BC from the Major Park/Open Space designation to the Single/Two Unit Residential designation; and changing the Future Land Use designation of a portion of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road from the Single/Two Unit Residential designation to the Major Park/Open Space designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 2010, be considered by Council;

AND THAT Rezoning Application No. Z10-0057 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 2061 Garner Road, Kelowna BC from the P3 - Parks & Open Space zone to the RU4 - Low Density Cluster Housing zone; and changing the zoning classification of a portion of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road from the RU4 - Low Density Cluster Housing zone to the P3 - Parks & Open Space, as shown on Map "B" attached to the report of the Land Use Management Department, dated July 29, 2010, 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

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Government Act, as outlined in the report of the Land Use Management Department dated July 29, 2010;

AND THAT OCP Bylaw Amendment No. OCP10-0010 bylaw and 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 receipt of a plan of subdivision in a registrable form.

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.

JoAnn Adamson, Mission Group Creations Ltd., Applicants' Representative

- Agrees with staff's assessment of the rezoning application and is available to address any concerns.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:58 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/dld