

Public HearingJune 26, 2012

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 26<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Staff members in attendance were: Acting City Manager, Jim Paterson; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Subdivision Approving Officer, Ryan Smith\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:08 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 8, 2012 and by being placed in the Kelowna Capital News issues of June 15, 2012 and June 19, 2012, and by sending out or otherwise delivering 372 letters to the owners and occupiers of surrounding properties between June 8, 2012 and June 15, 2012. For convenience, information regarding this Public Hearing is also available at [kelowna.ca](http://kelowna.ca).

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. 10673 (OCP09-0016); Bylaw NO. 10670 (TA09-0007); Bylaw No. 10668 (Z09-0071) and Bylaw No. 10669 (Z09-0071) - Calcan Investments Ltd - 5505 Chute Lake Road - THAT Official Community Plan Bylaw Amendment No. OCP09-0016 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, be changing the Future Land Use designation of a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna BC, from the Major Park and Open Space designation to the Single/Two Unit Residential (Hillside) designation, as shown on Map "A" attached to the Report of the Land Use Management Department dated May 24, 2012, 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*, as outlined in the Report of the Land Use Management Department dated May 24, 2012;

AND THAT Zoning Bylaw Text Amendment No. TA09-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by introducing three new hillside zones, including RH1 - Hillside Large Lot Residential, RH2 - Hillside Two Dwelling Housing and RH3 - Hillside Cluster Housing, as outlined in the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amending Bylaw No. 10668 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located at 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH1 - Hillside Large Lot Residential and P3 - Parks and Open Space zones, as shown on Map "B" attached to the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amending Bylaw No. 10669 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located at 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH3 - Hillside Cluster Housing zone, as shown on Map "B" attached to the Report of the Land Use Management Department dated May 24, 2012 be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw, Text Amendment Bylaw and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw No. 10669 be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND THAT final adoption of Zone Amending Bylaw Nos. 10668 and 10669 be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT Council directs staff to evaluate the hillside zones and to report back to Council within two (2) years of the adoption of the Text Amendment Bylaw.

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

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

David Lang, Applicant's Representative

- Originally met with staff back in 2009 with respect to the refinement of the City's Hillside Guidelines.
- Provided an overview of the application process.
- Confirmed that the development group has had several meetings with the Resident's Association as well as the owner of the adjacent property. Letters of support from the Residents' Association and the adjacent property owner have been submitted to staff.
- Displayed a presentation with respect to the proposed development and showed a 3-D model (fly-by).
- Advised that the development group would not have an issue, from a development perspective, with allowing public access (parking) to "The Creggs" (cliffs). The only concern with allowing public access would be from a liability perspective.
- Advised that there is a need to retain the three (3) housing units for road dedication purposes, but would be willing to reduce the size of the building envelopes for those lots during the subdivision phase of the development.

Council:

- Would like to ensure public access to "The Creggs" is maintained.

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## Gallery:

James Hamilton, 5850 Chute Lake Road

- Lives in the log cabin adjacent to the property.
- Likes what he sees, but does have a concern with access to "The Creggs" as it is a very popular rock climbing area.

Tom Smithwick, Counsel for "Seaton House"

- Is in favour of the proposed development.

David Lange, Applicant's Representative

- Would be willing to dedicate a portion of the lands to the City in order to maintain public access and parking for "The Creggs".

There were no further comments.

- 3.2 Bylaw No. 10713 (Z12-0015) - Antonio and Jennifer Pagnotta - 1356 Mountainview Street - THAT Rezoning Application No. Z12-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, Section 29, Township 26, ODYD Plan 5070, located on Mountainview Street, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- 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 Development Engineering Branch being completed to their satisfaction.

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

- o Letters of Opposition:
  - Michael & Teresa Diotte, 1362 Mountainview Street
  - Andrew Roberts, 1343 Mountainview Street
  - Cray Harris, 1793 Glenella Place
  - Ulrich Rudolph, 1359 Mountainview Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants were present, but did not have anything further to add to staff's comments.

## Gallery:

Ulrich Rudolph, 1359 Mountainview Street

- Has lived on Mountainview Street for 9 years and is opposed to the rezoning.
- Advised that the property owners are absentee landlords.
- Expressed a concern with a potential for increased traffic in the area.
- Believes that Dilworth Crescent has become a high traffic area and adding density to the area will only add to the traffic congestion.
- Expressed a concern with parking along Mountainview Street.
- Advised that Mountainview Street is a dead end road not a cul-de-sac.
- Wants to keep Mountainview Street as a single-family neighbourhood.

## Staff:

- Confirmed that there is sufficient parking on-site for the proposed suite in the accessory building and that the parking is not tandem.

Cray Harris, 1798 Glenella Place

- Expressed a concern with an absentee owner being granted a secondary suite application.
- Opposed to the rezoning.
- Expressed a concern that if the tenants don't work out and there are issues with the suite, there is no recourse for the area residents.
- Believes that the proposed carriage house does not fit into the neighbourhood.

Pat Stoyko, 1365 Mountainview Street

- Canvassed the neighbourhood and believes that all 23 property owners in the area are opposed to the rezoning.
- Expressed a concern with the access to the property.
- Advised that the property is currently rented and there are 3-4 cars parked in the driveway, or on the street, on any given day.
- Believes that there are already 4-5 people living in the principle residence.
- Believes that there are not any carriage homes in existence in the old Glenmore area and that this will set a precedent.
- Is opposed to the carriage house concept, not the concept of a secondary suite within a principle residence.

Cameron Smith, 1368 Mountainview Street

- Advised that he just purchased his home in May of 2012 and shares the same concerns as the previous speakers.
- Opposed to the rezoning.

Alex Murovec, 1355 Dilworth Crescent

- Advised that his home is located just behind the alley adjacent to the subject property.
- Agrees with the previous speakers.
- Opposed to the rezoning.
- Believes that this application will change the face of the neighbourhood. If it was a secondary suite within the home it would be okay, but he is opposed to carriage houses.
- Confirmed that he would see the carriage house from his deck.
- Expressed a concern with the lack of parking in the area.
- Opposed to the access from the back alleyway.

Cray Harris, 1798 Glenella Place

- Inquired if members of Council have granted approval to the construction of carriage houses in proximity to their own homes.

Jordan Shaw, 1353 Mountainview Street

- Advised that his main concern is the pot holes that litter Mountainview Street and believes that an increase in vehicles will only contribute to the pothole problem.

Ulrich Rudolph, 1359 Mountainview Street

- Made a suggestion that the vacant City lot in the area could be used for parking for Mountainview Street.
- Expressed a concern that the current occupiers already occupy all of the on-site parking on the site.
- Believes that the road network in the area is very congested and was not designed for the increase in traffic.

Pat Stoyko, 1365 Mountainview Street

- Confirmed that density, absentee owners, traffic, congestion, parking and the road network are the main concerns with respect to this application.

Dan Turner, 1796 Glenella Place

- Expressed a concern with the access to the neighbourhood as most of the traffic in the area is being diverted through Mountainview Street.
- Advised that parking is already a nightmare in the area.
- Advised that there is a lot of foot traffic in the area including kids walking to and from school. There are no sidewalks and an increase in traffic could pose a safety concern.

Antonio & Jennifer Pagnotta, 460 Curlew Drive, Applicant

- Purchased the property because they liked the area.
- Want to construct a carriage home in order to help increase property values in the area.
- Advised that they live in Kelowna and may consider living in the principle residence in the future and renting out the carriage house.
- Believes that as a property owner, absentee landlord or not, they do have invested interest in the area and the community.
- Advised that there are four (4) tenants in principle dwelling and there is adequate parking for the house as well as the proposed carriage house.
- Believes that any visitors to the property could park on Dilworth Drive.
- Believes that there are legal and illegal suites in the area.
- The area is already high in density and they do not believe that the 2-bedroom carriage house would negatively impact the area.
- Advised that the carriage house will actually sit lower than the current residence.
- Would like to finish the carriage home in a way that is complimentary to the current residence and the neighbourhood.
- Purchased the property for the long term.
- Advised that they did not consult with the neighbourhood regarding the proposed rezoning prior to the Public Hearing.
- Advised that they did consider a secondary suite in the current home, but opted for the carriage house. They wanted to ensure that they would not be sharing the same structure with tenants should they decide to move into the principal residence in the future.
- Advised that the carriage house will be approximately half the size of the current residence.
- Believe that the current tenants have three (3) vehicles. There would be 1 vehicle in the carport with 2 vehicles tandem parking in the driveway.
- Would be willing to do whatever it takes to ensure that on-site parking is achieved.
- Advised that they purchased the property in February 2012.
- Confirmed that there are 2 bedrooms on the main floor with 2 bedrooms in the basement.
- Advised that there is additional space on the site to accommodate more parking, which will not be tandem parking.
- Advised that they visit the property on a regular basis.

## Staff:

- Clarified that parking for the principle residence includes tandem parking.

There were no further comments.

- 3.3 Bylaw No. 10715 (Z12-0026) - Bhushan and Arunlata Singla - 678 Westpoint Court - THAT Rezoning Application No. Z12-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, ODYD Plan KAP76046 except plan KAP84981 located on Westpoint Court, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- 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;

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AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

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

- Letters of Opposition:
  - Robert Rancier, 675 Westpoint Court
  - Yolanda Fradette, 720 Tozer Court
- Letter of Concern:
  - Jim Hawkins, 762 Dehart Road

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

Bhushan Singla, Applicant

- Consulted with the neighbourhood prior to bringing for this rezoning application and obtained the support of his 14 of his neighbours, which was provided to City staff.
- Confirmed that all of the parking will be at the front of the property.
- Confirmed that the back of the property will be fenced off and access will not be allowed.

## Staff:

- Confirmed that the legal access to the property is off of Westpoint Court and once construction has been completed, the temporary access off the back of the property will be decommissioned

There were no further comments.

- 3.4 Bylaw No. 10716 (Z12-0025) - David and Monica Haiworonsky/David Haiworonsky - 4155 McClain Road - THAT Rezoning Application No. Z12-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 2 and 3, Township 26, ODYD Plan KAP91355, located on 4155 McClain Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR1s - Rural Residential 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 a building permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering (Interior Health) being completed to their satisfaction.

## Staff:

- The use of the suite is expected to be for family members and will not be rented.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present. No one came forward.

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4. TERMINATION:

The Hearing was declared terminated at 7:43 p.m.

Certified Correct:

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Mayor

SLH/dld

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Deputy City Clerk