

Public HearingAugust 21, 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, August 21st, 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: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Parks Planner, Barb Davidson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:02 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 August 3, 2012 and by being placed in the Kelowna Capital News issues of August 10, 2012 and August 14, 2012, and by sending out or otherwise delivering 751 letters to the owners and occupiers of surrounding properties between August 3, 2012 and August 10, 2012.

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. 10733 (Z12-0048) - 4G Developments Ltd. Inc. No. BC0926540/Robert Gaspari - 2463 and 2473 Pandosy Street - THAT Rezoning Application No. Z12-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 14, ODYD Plan EPP17675 and Lot 20 District Lot 14, ODYD Plan 1141, Except Plan KAP60686, located on Pandosy Street, Kelowna, BC from the RU1- Large Lot Housing 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 Bylaw No. 10732 authorizing a Housing Agreement between the City of Kelowna and 4G Developments Ltd. Inc. No. BC0926540, which requires the owners to designate 1 dwelling unit as an affordable rental unit in perpetuity on Lot A, District Lot 14, ODYD Plan EPP17675 and Lot 20 District Lot 14, ODYD Plan 1141, located on Pandosy Street, Kelowna, BC be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the applicant/owner paying the outstanding Bylaw Notice Ticket fine related to the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch and Fortis BC completed to their satisfaction.

This Agenda Item was withdrawn by staff.

- 3.2 Bylaw No. 10734 (Z12-0032) - KNL Properties Ltd. Inc. No. 850280/Davara holdings Ltd. - 260 Davie Road - THAT Rezoning Application No. Z12-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, Section 22, Township 26, ODYD Plan 18085 located on Davie Road, Kelowna, BC from the RU1- Large Lot Housing 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 Bylaw No. 10729 authorizing a Housing Agreement between the City of Kelowna and KNL Properties Ltd. Inc. No. 850280, which requires the owners to designate 7 dwelling units for purpose-built rental for a period of ten years on Lot 4, Section 22, Township 26, ODYD Plan 18085 located on Davie Road, Kelowna, BC be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch, and Rutland Waterworks being completed to their satisfaction.

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

- Letter of Support:
 - Mary-Ann Graham on behalf of The Rutland Residents Association, 380 Madsen Road
- Petition of Opposition:
 - A Petition of Opposition signed by 94 owners/occupants of the surrounding properties as submitted by Susan Dickson, 265 Davie Road, Michele Seger, 230 Davie Road, Alex Cowan, 230 Davie Road and Norma Huculak, 280 Davie Road.

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

Dave Sargent, Davara Holdings Ltd., Applicant's Representative

- Provided an overview of the proposed development and displayed conceptual drawings.
- Believes that there hasn't been an introduction of a new townhome development or building form in the neighbourhood in the last 20 years.
- Wants to ensure that the proposed rezoning and development conforms to the Official Community Plan.
- Advised that he approached the owner of 280 Davie Road with the view to purchase the property so that it could be consolidated with the subject property, however, he could not come to an agreement with the property owner.
- Advised that he sent out 200 letters to the neighbouring community to advise them of the project and to provide contact information should they wish to discuss the project with him.
- Advised that he contacted the direct neighbours and that he met with some, however, some did not want to meet with him.
- Advised that he met with the Rutland Residents Association and that the Association provided a letter of support for the proposed development.
- Confirmed that this will be a purpose-built rental development.
- Responded to questions from Council.
- Advised that the goal is to rent to people who may or may not have more than 1 vehicle.
- Advised that development calls for a 6m laneway to be constructed.
- Will not deny that there will be on-street parking as a result of visitors to the development.
- Advised that there are 7 units being proposed, with 10 parking stalls being provided.
- Confirmed that he did receive some feedback from the neighbouring property owners as a result of his mail out.
- Advised that he is willing to work with the neighbours in order to mitigate any of their concerns.
- Advised that he originally proposed 7 parking stalls, but changed the parking stalls to 10 as requested by the Rutland Residents Association.
- Advised that he did speak to with 3 different people at the Sikh Temple with respect to the proposed development.
- Confirmed that he either attempted to meet with or did meet with the parties listed as the contact parties on the Petition in Opposition.
- Advised that he would be willing to revisit the design in order to attempt to meet the parking requirements for the site.

Gallery:Michele Seger, 230 Davie Road

- Is opposed to the development as it will be wedged in between two (2) single-family homes.
- Expressed a concern about property values once the development is constructed and believes that she has the right to protect her property value.
- Advised that there are no sidewalks in the neighbourhood even though there are a lot of children who walk to and from school. There are also a large number of seniors in the area.
- Advised that there is inadequate parking in the area.
- Believes that rental properties will lead to petty crime and accidents.
- Expressed a concern with the lighting along the proposed driveway to the development as it will affect the enjoyment of the neighbouring property owners.
- Opposed to any variances that may be required for the development.
- Responded to questions from Council.
- Confirmed that her property is adjacent to the back of the subject property.
- Believes that owner-occupied strata developments cut down on transient traffic as opposed to purpose-built rental developments.

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- Confirmed that the majority of the signatures on the Petition in Opposition are members of the Sikh Temple.
- Confirmed that she may be willing to work with the Applicant, however she would rather have owner-occupied units vs. rental units.
- Would prefer if the property was rezoned to RU6 rather than RM3.

Staff:

- Responded to questions from Council with respect to the proposed variance to the side yard.
- Advised that the Development Engineering requirements require full frontage improvements to the property, and therefore the Applicant will either be required to construct the improvements or provide cash-in-lieu.

Norma Huculak, 280 Davie Road

- Advised that he husband has lived at 280 Davie Road since the 1970's and that she and her husband purchased the property from her mother-in-law approximately 7 years ago.
- Confirmed that she did have discussions with Mr. Sargent regarding the potential purchase of her property.
- Advised that she only saw the conceptual drawings of the proposed development approximately 1 month ago.
- Expressed a concern with the location of the driveway in proximity to her property.
- Expressed a concern with the stress on the infrastructure in the neighbourhood.
- Believes that this is too a large project and confirmed that she would be willing to support a carriage home on the subject property.
- Opposed to the property being marketed as a rental property.
- Advised that she would be willing to meet with the Applicant.

Susan Dickson, 265 Davie Road

- Advised that she has the same concerns as the previous speakers.
- Would like to see some sort of traffic calming in the area.
- Expressed a concern with the lack of sidewalks as there are is a large number of children and seniors that walk up and down Davie Road.
- Expressed a concern with the lack of parking in the area.
- Believes that there is a danger to the residents as a result of lack of parking and traffic using Davie Road to go from Highway 33 to Springfield Road.
- Is opposed to unreasonable change.
- Advised that as soon as she mentioned the rental potential for the proposed development, people wanted to sign the Petition in Opposition.
- Advised that she currently has a carriage house on her property.
- Advised that she would support a carriage house on the subject property.
- Advised that she would be willing to support a smaller owner-occupied development.
- Feels that the proposed development does not fit into the neighbourhood.

Chris Huculak, 280 Davie Road

- Advised that he has lived at 280 Davie Road since the 1970's.
- Believes that the proposed development will only add more stress to the neighbourhood.
- Advised that he has similar concerns as the previous speakers.
- Advised that he did not receive anything from the Applicant with respect to the proposed development and that the only notice that he received was the notice that the City sent out.

Rene Hazlehurst, 235 Davie Road

- Opposed to the development.
- Would be supportive of a carriage home or duplex.
- Believes that there is a lot of crime in the area.

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- Expressed a concern for the safety of the seniors in the neighbourhood.
- Opposed to rental units.

Brian Olson, 13- 350 Davie Road

- Advised that his major concerns are traffic and parking.
- To his knowledge, there was no letter or contact by the Applicant.
- Expressed a concern with emergency vehicle access to the proposed development.
- Confirmed that he currently lives in an 18 unit strata complex that is owner-occupied.

Dave Sargent, Davara Holdings Ltd., Applicant's Representative

- Responded to the concern that the property would affect property values in the neighbourhood.
- Advised that he is proposing to construct the sidewalk from the development all the way to the Davie Road park.
- Responded to the concern that the development will be a rental development rather than an owner-occupied development.
- Would be willing to address any lighting concerns with respect to the driveway.
- Would be willing to address and mitigate Mrs. Seger's concerns regarding the side yard setback along her property.
- Advised that the individual property residents would have to bring their garbage disposal cans to the street for disposal as any garbage disposal would not occur on the site.
- Responded to the concerns with respect to the stress on the infrastructure.
- Advised that he is in possession of a receipt from Canada Post which shows that a letter was sent out to the neighbourhood.
- Confirmed that the intent of the development is to provide rental stock for the City.
- Responded to questions from Council.

Staff:

- Clarified the difference between the RU6 zone and the RM3 zone.
- Responded to questions from Council.

Deputy City Clerk:

- Provided clarification with respect to the purpose of the Public Hearing for the rezoning being land use and density.

There were no further comments.

- 3.3 Bylaw No. 10743 (Z12-0030) - City of Kelowna - Various Addresses - THAT Rezoning Application No. Z12-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of those parcels or portions thereof shown on "Attachment 1" attached to the Report of the Land Use Management Department dated July 12, 2012, from the A1 - Agriculture 1, RR2 - Rural Residential 2, RR3 - Rural Residential 3, RU1 - Large Lot Housing, RU2 - Medium Lot Housing, RU6 - Two Dwelling Housing and I4 - Central Industrial zones to the P3 - Major Park / Open Space zone, as shown on Map "A" attached to the Report of the Land Use Management Department dated June 28, 2012, 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 Development Engineering Branch being completed to their satisfaction.

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

- o Letter of Concern:
 - Brian & Susan Stovel, 350 Clifton Road

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

Gallery:

Kelly Schellenberg, 930 Bay Avenue, on behalf of Knox Mountain Metals

- Expressed a concern with the stability of the slope in the area.
- Advised that the entire bank came down and slide down into the yard back in 1997.
- Referred to a Golder & Associates Report regarding the stability of the slope in the area.
- Expressed a concern with public safety.

Staff:

- Confirmed that the proposed rezoning is to down zone the property from from industrial use to park use.

Diane Strang, 929 Mount Royal Drive

- Requested clarification regarding what the City was going to do with the lands as she would prefer that the property be left as-is.

Staff:

- Confirmed that the rezoning application will formalize the natural space and that the City is not planning on re-purposing the property.
- Confirmed that there are no development plans for the open space.
- Advised that the proposed rezoning was one of the recommendations that came out of the Knox Mountain Management Plan.
- Responded to questions from Council.
- Will investigate whether or not fencing should be erected on the site and will take the concerns associated with the slope into consideration.

Cliff Shiskin, 881 Royal Pine Drive

- Expressed a concern with the dog park in the area and the lack of doggie bags.
- Advised that he has to phone the Parks Department every year to come and mow the grass in the area. He would like to see better maintenance of the park area.
- Expressed a concern with the maintenance of the pathway in the area.
- He has lived in the area for 22 years, and believes that the slope has stabilized.

There were no further comments.

- 3.4 Bylaw No. 10744 (Z12-0042) - Lane and Maegan Merrifield/MGC Construction Ltd. - 10 - 180 Sheerwater Court - THAT Rezoning Application No. Z12-0042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 25, Section 6, Township 23, ODYD, Strata Plan KAS3129 Together With An Interest In Common Property In Proportion To The Unit Entitlement of The Strata Lot As Shown On Form V, located on 10 - 180 Sheerwater Court, 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 FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

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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.

Corey Makus, MGC Construction Ltd., Applicant's Representative

- Provided an overview of the proposed guest house and displayed a conceptual drawing of site.
- Is proposing a green roof for the guest house.


There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:00 p.m.

Certified Correct:

Mayor


Deputy City Clerk

SLH/dld

DRAFT

Regular MeetingAugust 21, 2012

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, August 21st, 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: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:00 p.m.

2. A Prayer was offered by Councillor Stack.

3. CONFIRMATION OF MINUTES

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Moved by Councillor Zimmermann/Seconded by Councillor Singh

R784/12/08/20 THAT the Minutes of the Public Hearing and Regular Meeting of August 7, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10734 (Z12-0032) - KNL Properties Ltd. (Davara Holdings Ltd.)
- 260 Davie Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

R785/12/08/21 THAT Bylaw No. 10734 be read a second and third time.

DEFEATED

Mayor Gray and Councillors Basran, Blanleil, DeHart, Given, Hobson, Singh, Stack and Zimmermann- Opposed.

4.2 Bylaw No. 10743 (Z12-0030) - City of Kelowna - Various Addresses

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R786/12/08/21 THAT Bylaw No. 10743 be read a second and third time.

Carried

5. THE DEPUTY CITY CLERK PROVIDED INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

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The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 133 letters to the owners and occupiers of the surrounding properties between August 3, 2012 and August 10, 2012.

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 No. 309.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Bylaw No. 10744 (Z12-0042) - Lane & Maegan Merrifield (MGC Construction Ltd.) - 10-180 Sheerwater Court

Moved by Councillor Given/Seconded by Councillor Stack

R787/12/08/21 THAT Bylaw No. 10744 be read a second and third time and be adopted.

Carried

- 6.1.1 Land Use Management Department, dated July 18, 2012 re: Development Variance Permit Application No. DVP12-0121 - Lane & Maegan Merrifield (MGC Construction Ltd.) - 10-180 Sheerwater Court City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

Staff:

- The variance is connected to the retaining wall structure.

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

- o Additional Information:
 - Letter of additional information as submitted by the Applicant, Corey Makus, MGC Construction, 620-1632 Dickson Avenue.

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 present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R788/12/08/21 THAT final adoption of Zone Amending Bylaw No. 10744 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0121, for Strata Lot 25, Section 6, Township 23, ODYD, Strata Plan KAS3129 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as Shown on Form V, located at 10-180 Sheerwater Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Regular MeetingAugust 21, 2012**Section 9.5.1(e): Secondary Suites**

To vary the maximum height of an accessory building containing a secondary suite from 4.5m permitted to 5.98m proposed.

Carried

- 6.2 Land Use Management Department, dated June 23, 2012 re: Development Variance Permit Application No. DVP12-0131 - Theodore & Linda Hanlon (Shoreline Pile Driving) - 4388 Hobson Road City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

Councillor Hobson declared a perceived conflict of interest as he owns property in the near vicinity of the subject property and left the meeting at 8:21 p.m.

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. The Applicant was not present. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor DeHart

R789/12/08/21 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0131 for Lot A, District Lot 167 ODYD, Plan EPP12036, located at 4388 Hobson Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 16.6.6(a) Other Regulations

Vary the maximum permitted length of a dock from 40.0m required to 51.8m proposed as per schedule "A".

Carried

7. REMINDERS - Nil.

8. TERMINATION

The meeting was declared terminated at 8:23 p.m.

Certified Correct:

Mayor

SLH/dld

Heedham

Deputy City Clerk