

Public HearingNovember 13, 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, November 12<sup>th</sup>, 2012.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:05 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 31, 2012 and by being placed in the Kelowna Capital News issues on November 2, 2012 and November 6, 2012, and by sending out or otherwise delivering 1,242 letters to the owners and occupiers of surrounding properties between October 26, 2012 and November 2, 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 Rezoning Application No. Z12-0047 - 0872645 BC Ltd. and Onkar Singh & Ranjit Kaur Dhillon (Philip Patara) - 875 & 885 Mayfair Road - THAT Rezoning Application No. Z12-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 143, ODYD Plan 22026 and Lot 3, District Lot 143, ODYD Plan 22026 located on Mayfair Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU6- Two Dwelling Housing 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 City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Opposition:
  - Sonya & Brian Arrance, 902 Mayfair Road

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.

- 3.2 Rezoning Application No. Z12-0051 - Heinz Strege - 1460 Graham Road - THAT Rezoning Application No. Z12-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 22, Township 26, ODYD Plan 11186, except Plans H12895 and KAP70891 located on Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6b - Two Dwelling housing with boarding or lodging house 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 in conjunction with Council's consideration of 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 Water Works being completed to their satisfaction.

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

- Petition of No Objection:
  - Petition of 18 signatures as submitted by the Applicant "with no objection to the rezoning of 1460 Graham Road to RU6b for Seniors 55+ facility as long as the City of Kelowna and the owner place a restricted covenant over the property...registered on title...restricting use to a seniors development only".

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

Heinz Strege, Applicant

- Would like to rezone the property to RU6b so that he can develop the existing residence into a Seniors Retirement Living complex.
- The existing residence meets all the requirements for building and parking.
- He is prepared to make improvements to the existing location by renovating the building, landscaping the site and building additions to provide a quality facility for Seniors.
- Confirmed that he has full intentions of developing the property as described, however, in order to give his neighbours peace of mind, he would like to register a restrictive covenant on title which would allow the development of the existing residence to be for a Seniors Residence only.
- Submitted his speaking notes for the record.
- Advised that once the development is complete, there will be 13 people, inclusive of staff, residing on the premises, including staff.
- Responded to questions from Council.

City Clerk:

- Responded to questions from Council regarding previous Bylaw Enforcement infractions with respect to the subject property.
- Advised that Mr. Strege has paid his outstanding fines and has been very co-operative with Bylaw Enforcement staff.

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## Staff:

- Clarified the regulations under the RU6b zone.

## Gallery:

Pat Durette, 2229 Mayer Road

- Expressed a concern that the artist's rendition of the development is not what the property currently looks like.

Jackie Materi, 1425 Graham Road

- Lives directly across the street from the property.
- Expressed a concern with the type of people who are currently residing on the premises.
- Expressed a concern with on-street parking as she believes that there is only room for 7 vehicles to park on site.
- Expressed a concern that the property may not be large enough to house the number of residents that is being proposed.
- Expressed a concern that the Applicant has been proposing this type of development for the last 6 years, but nothing has happened to date.
- Advised that if the development goes ahead as planned and as stated, she would not be opposed to the rezoning.
- Responded to questions from Council.

Barb, Co-owner of 1425 Graham Road

- Expressed a concern with the type of people who are currently residing on the premises.
- Expressed a concern regarding the proposed Restrictive Covenant and whether a future owner would be bound by the terms of the Covenant.

## City Clerk:

- Confirmed that the Restrictive Covenant would run with the land and therefore any future owner would be bound by its terms.

## Staff:

- Advised that the application meets the City's parking requirement. The Applicant is proposing 8 on-site parking stalls when only 6 are required.
- Advised that if Council approves the rezoning, the development proposal would be subject to a staff-directed Development Permit.

## City Clerk:

- Provided an overview of the Bylaw Enforcement action for the subject property.

Jackie Materi, 1425 Graham Road

- Expressed a concern with the parking plan provided by the Applicant as she believes that the stalls depicted are not big enough to accommodate the average vehicle.

## Staff:

- Will ensure that the parking plan meets the vehicle width standards when considering the Development Permit.

Heinz Strege, Applicant

- Clarified the dimensions proposed in the submitted parking plan.
- Advised that he would like to have the existing residents moved out of the subject property within 30-60 days.
- Advised that he would like to start the renovation process as soon as he is able to.
- Advised that it is his intention to have the development completed within 120 days from the date the Development Permit is authorized.

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- Confirmed that there are currently 8 residents residing on the subject property even though the zoning allows for 5 residents.
- Responded to questions from Council.

There were no further comments.

- 3.3 Official Community Plan Bylaw Amendment Application No. OCP12-0013 and Rezoning Application No. Z12-0054 - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue - THAT OCP Bylaw Amendment No. OCP12-0013 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of Lot 2, D.L. 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, B.C. from Single/Two Unit Residential to Health District, be considered by Council;

AND THAT Council considers the Public Hearing 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 October 5<sup>th</sup>, 2012;

AND THAT Rezoning Application No. Z12-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 2, D.L. 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to HD2 - Hospital & Health Support Services, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP12-0013 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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the subject property into the larger 'Collett Manor' project as proposed under Development Permit Application No. DP12-0123 for the properties located at 2149, 2159, 2169, 2179 and 2189 Pandosy Street;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to completion of a Purchase / Sale Agreement with the City for the lane purchase and relocation.

The 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.

Garry Tomporowski, Architect, Applicant's Representative

- Advised that the proposed rezoning is being requested in order to facilitate an addition to the "Collett Manor" project.
- Provided an overview of the proposed development project.
- Provided an overview of the green space being proposed for the project.

There were no further comments.

- 3.4 Official Community Plan Bylaw Amendment Application No. OCP12-0008 and Rezoning Application No. Z12-0052 - Heinz Strege - 2219 Mayer Road - THAT Official Community Plan Bylaw Amendment No. OCP12-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the Resource Protection Area (REP) designation to the Single/Two Unit Residential (S2RES) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated October 5, 2012, be considered by Council;

AND THAT Rezoning Application No. Z12-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the A1 - Agriculture zone to the RU6b - Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment 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 issuance of a Building Permit and Unconditional Occupancy permit by the Building & Permitting Department;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant which restricts the occupancy of the dwelling to 15 persons;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Regional District of Central Okanagan being met;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Natural Environment and Farm Protection Development Permits.

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

- Letters of Opposition:
  - Lester, Lindsey & Celeste Ganassin, 2230 Mayer Road
  - Debbie Robson, 2260 Mayer Road
  - Patricia Durette, 2229 Mayer Road
  - Velma Casorso, 2240 Mayer Road
- Petition of No Objection:
  - Petition of 8 signatures as submitted by the Applicant "with no objection to the rezoning of 2219 Mayer Road to RU6b for Seniors 55+ facility as long as the City of Kelowna and the owner place a restricted covenant over the property...registered on title...restricting the use to a seniors development only".

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

City Clerk:

- Provided an overview of the Bylaw Enforcement infractions with respect to the subject property.
- Confirmed that the Applicant has paid any outstanding fines and that he has been co-operating with Bylaw Enforcement staff.

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Heinz Strege, Applicant

- Would like to rezone the property to RU6b so that he can develop the existing residence into a Seniors Retirement Living complex.
- Advised that he is proposing 15 units for the site.
- The existing residence meets all the requirements for building and parking.
- He is prepared to make improvements to the existing location by renovating the building, landscaping the site and building additions to provide a quality facility for Seniors.
- He is prepared to install sanitary sewer and domestic water to service the site. He is also prepared to install sidewalks, storm sewer and curb & gutter in front of the property.
- Confirmed that he has full intentions of developing the property as described, however, in order to give his neighbours peace of mind, he would like to register a restrictive covenant on title which would allow the development of the existing residence to be for a Seniors Residence only.
- Submitted his speaking notes for the record.
- Advised that he would like to have the development completed by May 1, 2013.
- Responded to questions from Council.

Gallery:

Peter Klimuk, 1027 Harvey Avenue

- Advised that he is speaking on behalf of his client, Gordon Ziglar, the owner of 2424 Mayer Road.
- Advised that Mr. Ziglar supports the proposed rezoning and submitted Mr. Ziglar's Letter of Support for the record.

Staff:

- Confirmed that the subject property is within the Agricultural Land Reserve, however it is not subject to the Agricultural Land Commission's regulations.

Pat Durette, 2229 Mayer Road

- Opposed to the rezoning.

Staff:

- Confirmed that notices have been registered on title to address any Building Code infractions. Any Building Code infractions will have to be remedied by the Applicant whether or not the zoning is approved by Council.

Heinz Strege, Applicant

- Confirmed that he had previously applied for Building Permits for the subject property, however, any proposed renovations were not carried out as he and his previous partners could not agree on what to do with the property, and consequently, the Building Permits expired.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:30 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk