

Public HearingFebruary 23, 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, February 23, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Charlie Hodge, Graeme James, Michele Rule and Luke Stack.

Council members absent: Councillors Kevin Craig, Robert Hobson and Angela Reid.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 February 5, 2010, and by being placed in the Kelowna Daily Courier issues of February 16, 2010 and February 17, 2010, and in the Kelowna Capital News issue of February 14, 2010, and by sending out or otherwise delivering 406 letters to the owners and occupiers of surrounding properties between February 5, 2010 and February 10, 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 - 3.1 Bylaw No. 10285 (Z09-0059) - Daniel Derksen/Bruce Hendren - 225 Benchview Road - This item has been withdrawn by the Applicant February 16th, 2010.

This item was withdrawn by the Applicant.

- 3.2 Bylaw No. 10286 (Z09-0078) - Blaine McKain - 650 Denali Court - THAT Rezoning Application No. Z09-0078 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 43, Section 28, Township 26, ODYD, Plan KAP72143, located at Denali Court, 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.

Staff:

- Confirmed that the application meets the City's parking requirements.

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

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- Letters of Concern:
 - Jim Henderson, 104-663 Denali Court
 - Stan & Anne Klassen, 339-663 Denali Court
- Petition of Opposition:
 - A Petition of Opposition signed by 21 owners/occupiers of the surrounding properties as submitted by Dave Parr, 661 Denali Drive

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

Blaine McKain, Applicant

- Advised that he wants to put a small one-bedroom suite in his basement as his brother is looking for work in the Kelowna area and he wants to provide him with a place to stay.
- Confirmed that he is the only occupant of the house, so tenant parking should not be an issue.
- Confirmed that he canvassed twelve (12) of his immediate neighbours and everyone and no one expressed any opposition to the rezoning application.

Gallery:

Dave Parr, 661 Denali Drive

- Opposed to the secondary suite application as he does not want to live in an area full of secondary suites.
- Concerned about on-street parking in the area.
- Spoke to the Fire Chief and was advised that due to the parking issues in the neighbourhood, as well as the narrower streets, it is difficult for emergency vehicles to manoeuvre.
- Does not believe that tandem parking is sustainable or reasonable.
- Advised that when he purchased the property, he signed an agreement confirming that no secondary suites would be permitted in the area.

Staff:

- Advised that zoning takes precedents over Building Schemes and Restrictive Covenants that were placed on developments by developers.
- Advised that the Dilworth Land Use Contract restricts secondary suites; however the subject property is not part of the development that is covered by the Dilworth Land Use Contract.

Marilyn Parr, 661 Denali Drive

- Concerned about the fact that the servicing infrastructure may not be able to handle the extra density caused by secondary suites in the area.
- Concerned about the fact that the neighbourhood only has one way in and one way out.

Dave Richter, 636 Denali Drive

- Concerned about parking in the area.
- Would like the City to require the applicant to install an off-street parking pad for the tenant.

Blaine McKain, Applicant

- Advised that he owns an SUV and there is enough space for him to park his vehicle in his driveway without interfering with the street traffic.

There were no further comments.

- 3.3 Bylaw No. 10287 (Z09-0068) - Sukhjit and Bhupinder Sidhu/Axel Hilmer - 737 Renshaw Road - THAT Rezoning Application No. Z09-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, District Lot 143, ODYD, Plan KAP76112, located at Renshaw 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 discharge of the restrictive covenant;

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.

Staff:

- Advised that this rezoning application was a result of a bylaw complaint.
- When Bylaw Enforcement visited the property, it was noted that there were three (3) kitchens in the home. One (1) of the kitchens will have to be decommissioned if the rezoning is approved.

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

- o Letter of Opposition:
 - Gail & Dave Thompson, 736 Renshaw Road
- o Form Letters of Opposition:
 - Form Letters of Opposition from 3 owners/occupiers of the surrounding properties

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

Axel Hilmer, Applicants' Representative

- Advised that the subject property is similar to the property to the north that was recently rezoned to the "s" designation.
- Confirmed that four (4) parking spots are being provided.
- Confirmed that the applicants will decommission one of the kitchens should the rezoning be granted.

There were no further comments.

- 3.4 Bylaw No. 10288 (Z09-0076) - Rajvinder and Harjit Johal/Axel Hilmer - 408 Stetson Street - THAT Rezoning Application No. Z09-0076 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 25, Township 26, ODYD, Plan KAP78198, located at 408 Stetson Street, Kelowna, B.C. from the from the RU1 zone to the RU1(s) 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

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

- Letter of Opposition:
 - William Pepper, 455 Stetson Street

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

Axel Hilmer, Applicants' Representative

- Advised that the property owners would like to incorporate a suite into the residence and are applying for the "s" designation prior to commencing construction on the site.

There were no further comments.

- 3.5 Bylaw No. 10289 (Z09-0081) - Diane and Guy Delaurier/Diane Delaurier - 916 Arbor View Drive - THAT Rezoning Application No. Z09-0081 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 34, District Lot 357, SDYD, Plan KAP75940, located at Arbor View 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.

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

- Letters of Opposition:
 - Colin & Lisa VanBergen, 4858 Carmel Crescent
 - Bill & Donna Shumborski, 643 Devonian Avenue
- Letter of Concern:
 - Gerald & Dianne Hiebert, 964 Arbor View Drive

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

Diane Delaurier, Applicant

- Advised that she owns the subject property with her brother, who currently works out of town. The suite will be used by her brother when he visits Kelowna.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 6:56 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk