

Public HearingMay 18, 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, May 18<sup>th</sup>, 2010.

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

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 6:03 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 April 30, 2010, and by being placed in the Kelowna Daily Courier issues of May 10, 2010 and May 11, 2010, and in the Kelowna Capital News issue of May 9, 2010, and by sending out or otherwise delivering 2,104 letters to the owners and occupiers of surrounding properties between April 30, 2010 and May 7, 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. 10238 (Z07-0070) - Sundowner Holdings Ltd. & Woodlawn Projects Inc. (Protech Consultants Ltd.) - 455 Cavell Place - THAT Council receives for information the Supplemental Report of the Community Sustainability Division dated April 8, 2010 with respect to the information requested from Staff for Z07-0070;

THAT Rezoning Application No. Z07-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 24 Township 28 SDYD Plan 41091 Except Plan KAP80779, located on 455 Cavell Place, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RU1h - Large Lot Housing (Hillside Area), as shown on Map "A" attached to the report of Community Sustainability Division, dated April 8, 2010, 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 issuance of a Hazardous Condition Development Permit, acceptable to the Director of Land Use Management;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the receipt of a subdivision plan, in registerable form, acceptable to the Approving Officer;

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

Staff:

- Advised that the Province regulates and issues blasting permits. The City Development Engineering Manager will facilitate discussions between blasting companies, applicants and area residents in order to address any concerns.
- Confirmed that the subject property is not part of the Kettle Valley Comprehensive Development Zone.
- Confirmed that the Official Community Plan designates the property as single-family residential.

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

- o Letters of Opposition:
  - Glen Jones, 457 Trumpeter Road
  - Josef & Alexandra Ram, 449 Trumpeter Road
- o Letters of Concern:
  - Margaret Lochmueller, 440 Trumpeter Road
  - Beat & Therese Steuri, 453 Trumpeter Road
- o Petition of Concern:
  - A petition of concern regarding potential blasting signed by 28 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.

Kathy Milton, Sundowner Holdings Ltd. & Woodlawn Projects Inc., Applicants' Representative

- Introduced individuals in the gallery who are present to answer any questions regarding the application.
- Provided an overview of the development.
- Advised that the rezoning application is compliant with the City's Official Community Plan.
- Confirmed that the applicants are dedicating more than 50% of the land back to the City for park purposes (P3 zoning).
- Confirmed that the natural topography and environment of the land will be kept and protected.
- Have created building envelopes that do not impact visual site lines.
- Advised that the knoll on the top of the hill has been completely protected and a covenant will be registered on the area in order to ensure compliance by the surrounding property owners once the development is complete.
- There will be some blasting required in order to ensure access to the development via Swan Drive.
- Advised that the blasting company will be conducting a pre-blast inspection of the surrounding area and will be considering alternate blasting methods as well as non-blasting methods.
- Believes that if the proper steps are taken, there will be minimal impact on the surrounding residences and residents as a result of any blasting.
- Advised that the majority of the blasting will be directed toward the designated P3 site rather than the residential neighbourhood.

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- Showed a 3D model presentation of the visual impacts of the proposed development.

Mike Young, Applicants' Representative

- Anticipates that the majority of the blasting will occur along the side of the roadway.
- Confirmed that there will be a pedestrian connection to the park through the development. There is an existing logging road through the parkland area which will be utilized as a park pathway once the park has been developed.

Ron, Cascade Geotechnical, Applicants' Representative

- Provided details regarding the blasting alternatives that are being considered for the development.

Mike Witham, T & A Drilling and Blasting, Applicants' Representative

- Provided further details regarding the blasting procedure that will be carried out for the development.

Grant Maddock, Protech Consultants Ltd., Applicants' Representative

- Provided further clarity with respect to the blasting of Swan Road. Once the rock has been blasted, the road will be close to grade.
- Confirmed the area where the creek is located within the proposed parkland site.

## Gallery:

Beat Steuri, 453 Trumpeter Road

- Provided background information regarding damage to the area residences as a result of blasting that occurred in the area in the past.
- Expressed a concern regarding the proposed blasting for the development.
- Believes that there will be damage to the surrounding residences if the development is approved and blasting occurs.
- His home was built in 2004 and he believes that the cracks in the home's foundation is a result of previous blasting in the area.
- Would like the applicants to consider a different access road to the development and provided some details with respect to where the alternative access could be located.
- Not opposed to the development as long as the applicants use a different access road that would reduce the need for blasting.

## Staff:

- Advised that access to the development will be considered at the subdivision approval stage.
- Council can direct the Subdivision Approving Officer to ensure that an alternative roadway access is considered in order to minimize the blasting for the development.

Kathy Milton, Sundowner Holdings Ltd. & Woodlawn Projects Inc., Applicants' Representative

- Confirmed that extensive discussions have taken place with City staff in order to determine the best roadway access to the development. A number of different alternative access routes have been considered; however due to the grade, some of the routes are not acceptable.

There were no further comments.

- 3.2 Bylaw No. 10322 (LUC09-0003), Bylaw No. 10323 (OCP09-0013) and Bylaw No. 10324 (Z09-0044) - Various Owners (City of Kelowna) - Dilworth Mountain Estates - THAT Application No. LUC09-0003 to discharge Land Use Contract 74-57 in the area commonly know as "Dilworth Mountain Estates" and as shown on the attached map, in Kelowna, BC, be considered by Council;  
 THAT OCP Bylaw Amendment No. OCP09-0013 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600, by changing the Future Land Use designation of the area commonly known as "Dilworth Mountain Estates" from the Single/Two Unit Residential, Multiple Unit Residential - Low Density, Commercial, Major Park/Open Space and Educational/Major Institutional designations, to the Single/Two Unit Residential, Multiple Unit Residential - Low Density, Multiple Unit Residential - Medium Density, Commercial, Major Park / Open Space and Public Service/Utilities designations, as shown on Map "A" attached to the report of Land Use Management Department dated April 1, 2010, be considered by Council;  
 THAT Rezoning Application No. Z09-0044 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications for the area commonly known as "Dilworth Mountain Estates", bounded by Dilworth Drive to the south, Silver Place to the north, Monashee Place to the east and Summit Drive to the west, from the A1 - Agriculture 1, RU1 - Large Lot Housing, and P3 - Parks & Open Space zones to the RU1h - Large Lot Housing (Hillside Area), RM3 - Low Density Multiple Housing, RM4 - Transitional Low Density Housing, C5 - Transitional Commercial, P3 - Parks & Open Space and P4 - Utilities zones as shown on Map "B" attached to the report of the Land Use Management Department dated April 1, 2010, be considered by Council;  
 AND THAT Council considers a Public Open House held on Wednesday, April 21st, 2010 be appropriate public consultation as required under Section 879 of the Local Government Act as outlined in the report of the Land Use Management Department dated April 9, 2010;

AND THAT the OCP Bylaw Amendment No. OCP09-0001 and the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Staff:

- Advised that the Land Use Contract expired on December 31, 2008.
- Advised that City staff held an open house with respect to this application in which 12 people attended.

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

- o Letter of Opposition:
  - Larry Paul, School District #23, 1940 Underhill Street

Staff:

- Confirmed that the Director, Land Use Management has responded to School District No. 23 regarding their letter of opposition.
- Confirmed that the School District was given sufficient notice of the application and that the only response from the School District was the letter of opposition that was submitted to the Office of the City Clerk the day before the Public Hearing.
- Provided background information regarding the proposed rezoning of the School District's properties. The School District has the option to rezone their sites should they wish to use them as a school site in the future. City staff would be supportive of any rezoning application to the P2 zone.
- Confirmed that the School District's properties are currently used for public/open space purposes.

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- Once the Land Use Contract is removed, the underlying zone is A1; however, staff decided that the P3 zone would be more appropriate for the sites.
- Clarified what is allowed under the P2 zone.

## City Manager:

- Provided further clarification with respect to any proposed rezoning of the School District's sites.

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

## Gallery:

Jack Montpetit, 2292 Lillooet Crescent

- Expressed a concern that the density in the Selkirk subdivision of Dilworth Mountain Estates is being increased.
- Expressed a concern that Lillooet Crescent does not have sidewalks.
- Expressed a concern with on-street parking in the area.
- Expressed a concern with the area south of Monashee and east of Dilworth Drive as he understands that the zoning is going from RM3 to RM4.

## Staff:

- Clarified that there is no density increase being proposed with the new zoning as the changes will not impact density at all.
- Confirmed that the designated park sites have already been transferred to the City and are "titled" lots rather than dedications.

## City Manager:

- Provided further details regarding the designation of the parkland in the area. It is not the City's practice to dedicate parkland through subdivision.

Moved by Councillor Hodge/Seconded by Councillor Rule

R461/10/05/18 THAT the Public Hearing with respect to Bylaw Nos. 10322, 10323 and 10324 be kept open and rescheduled to June 1, 2010;

AND THAT Council directs staff to invite a representative from School District No. 23 to address Council at the June 1, 2010 Public Hearing.

Carried  
Councillor Stack - Opposed.

- 3.3 Bylaw No. 10325 (Z10-0013) - Terry Oxley & Maria Borsato (Terry Oxley) - 546 McWilliams Road - THAT Rezoning Application No. Z10-0013 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Section 26, Township 26, ODYD, Plan 29389, located at 546 McWilliams Rd, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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 Development Engineering and Black Mountain Irrigation District being completed to their satisfaction.

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

- Letters of Opposition:
  - Deborah Cowell & Shaun Mamchur, 557 Benson Court
  - Jennifer Marte, 720 Josselyn Court

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

Maria Borsato, Applicant

- Confirmed that the structure already exists and that she wants to create a suite in the structure in order to assist with her mortgage payments as well as help with the City's affordable housing issue.
- The suite will encompass the entire garage and she wants to ensure that the space is legal so that she can rent it to a potential tenant.

There were no further comments.

- 3.4 Bylaw No. 10327 (Z10-0009) - Jang & Raj Bhatti (Ray Bhatti) - 287 Kneller Road - THAT Rezoning Application No. Z10-0009 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Section 26 and 27, Township 26, ODYD, Plan KAP61888, located at Kneller Road, Kelowna, BC, from the RU2 - Medium Lot Housing zone to the RU2s Medium 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 Black Mountain Irrigation District being completed to their satisfaction.

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

- Letters of Opposition:
  - Doreen White, 102-1188 Houghton Road
  - Herb & Gert Manweiler, 111-1188 Houghton Road
  - Randell Smith, 270 Kneller Road

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

Lincoln, Applicant's Representative, and Mrs. Bhatti, Applicant

- Would like to legalize the suite so that the applicants can rent out the property.
- Confirmed that the tenant would be parking beside the garage.

Staff:

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

There were no further comments.

- 3.5 Bylaw No. 10330 (Z10-0018) - Sarabjit & Kuldip Buttar (Axel Hilmer) - 729 Renshaw Road - THAT Rezoning Application No. Z10-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Lot 14,

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DL 125, O.D.Y.D., Plan 3236, exc. Plans B5812 & 18713, Lot A, Sec. 34, Twp. 26, O.D.Y.D., Plan 19473, and Lot 2, Sec. 34, Twp. 26, O.D.Y.D., Plan 18713 Exc. Plans 19473 & 20576, located on Stremel Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the I2 - General Industrial 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 the Development Engineering Department, BMID and the Ministry of Transportation and Infrastructure being completed to their satisfaction.

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

- o Letters of Opposition:
  - Gail Thompson, 736 Renshaw Road
  - Helen Zylla, 726 Renshaw Road

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 this application is similar to the other secondary suite applications within the surrounding area.
- Confirmed that all of the parking will be off the lane at the back of the property.

There were no further comments.

- 3.6 Bylaw No. 10331 (Z10-0021) - Gerard & Theresa Fougere - 5267 Chute Lake Road - THAT Rezoning Application No. Z10-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 24 Township 28 SDYD Plan KAP79725, located at 5267 Chute Lake Rd, Kelowna, B.C. from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 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 receipt of a Building Permit application for the secondary suite.

The Deputy 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.

Gerard Fougere, Applicant

- Advised that his daughter lives on the property and that she would like to legalize the suite in the basement so that it can be rented out.

There were no further comments.

- 3.7 Bylaw No. 10332 (Z10-0008) - 298874 BC Ltd., 218555 BC Ltd. & Cheville Investments Ltd. (Stremel Road Joint Venture) - 745, 765 & 793 Stremel Road - THAT Rezoning Application No. Z10-0008 to amend the City of Kelowna Zoning

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Bylaw No. 8000 by changing the zoning classification of; Lot 14, DL 125, O.D.Y.D., Plan 3236, exc. Plans B5812 & 18713, Lot A, Sec. 34, Twp. 26, O.D.Y.D., Plan 19473, and Lot 2, Sec. 34, Twp. 26, O.D.Y.D., Plan 18713 Exc. Plans 19473 & 20576, located on Stremel Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the I2 - General Industrial 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 the Development Engineering Department, BMID and the Ministry of Transportation and Infrastructure being completed to their satisfaction.

## Staff:

- Confirmed that the subject properties are designated as Industrial under the City's Official Community Plan.

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

- o Letter of Support:
  - Josh Goode, Goode Properties Inc., 1-730 Stremel Road

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.8 Bylaw No. 10333 (Z10-0016) - Beat & Therese Steuri - 453 Trumpeter Road - THAT Rezoning Application No. Z10-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9 Section 24 Township 28 SDYD Plan 31830, located at 453 Trumpeter Rd, Kelowna, B.C. from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 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 receipt of a Building Permit application for the secondary suite.

The Deputy 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.

Beat Steuri, Applicant

- Would like to incorporate a suite into the property so that he and his wife can live in the suite while his daughter and her family live in the main residence.

There were no further comments.

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4. TERMINATION:

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

Certified Correct:

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Mayor

SLH/dld

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Deputy City Clerk