

Public HearingJuly 27, 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, July 27th, 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: Acting City Manager, Paul Macklem; 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 6:00 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 July 9, 2010, and by being placed in the Kelowna Daily Courier issues of July 5, 2010 and July 6, 2010, and in the Kelowna Capital News issue of July 4, 2010, and by sending out or otherwise delivering 2,643 letters to the owners and occupiers of surrounding properties between July 9, 2010 and July 16, 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. 10369 (Z08-0040) - Adrienna Fehr/Adrienna and Cornie Fehr - 125 Robson Road - THAT Rezoning Application No. Z08-0040 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, Section 23, Township 26, ODYD, Plan 10372, located at 125 Robson Road, Kelowna, B.C. from the from the RU1 - Large Lot Housing zone to the RU1(s) - 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Rutland Waterworks District being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subject to the consideration of a Development Variance Permit for the siting and location of both the new principal dwelling and the suite within an accessory building.

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

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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.

- 3.2 Bylaw No. 10370 (Z10-0043) - Simon Wiencki - 2839 Helmcken Road - THAT Rezoning Application No. Z10-0043 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, District Lot 135, ODYD Plan 17194, located at 2839 Helmcken 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.

Councillor Craig joined the meeting at 6:06 p.m.

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

- Letter of Opposition:
 - o Harold & Toni Hay, 2819 Gosnell Road

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

Gallery:

Lorraine Nagy, 2849 Helmcken Road

- Believes that the owner of the subject property has an illegal suite and the tenants are causing problems for the area residents. The tenants speed and have caused damage to the frontages of some of the surrounding properties.
- Advised that the tenants park on the street in contravention of the parking regulations in the area (1 hour parking).

Simon Wiencki, Applicant

- Confirmed that the tenants do currently park in front of the residence on the street; however he will ensure that they park on-site along the side of the residence.
- Was unaware of the concerns of the neighbours with respect to the tenants, but now that he has been made aware of their concerns, he will address them.
- Confirmed that the suite meets the BC Building Code and that he lives in the main residence on the property.
- Advised that the previous commercial entity in the residence was there prior to him purchasing the property.
- Advised that when he purchased the property, the suite was already occupied by residential tenants.

There were no further comments.

- 3.3 Bylaw No. 10371 (Z10-0035) - Larry Deboice/New Town Architectural Services - 340 Francis Avenue - THAT Rezoning Application No. Z10-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, D.L. 14, ODYD, Plan KAP69396 except Plan KAP73098 located at 340 Francis Avenue, Kelowna, B.C. from RU1 - Large Lot Housing to RU6 - Two Dwelling Housing be considered by Council;

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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 requirements of the Development Engineering Department being completed to their satisfaction;

AND FURTHER THAT the Director of Land Use Management authorize the issuance of Development Permit No. DP10-0057 for Lot B, D.L. 14, ODYD, Plan KAP69396 located at 340 Francis Avenue, Kelowna, BC subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C".

Staff:

- The City's Okanagan Site Line Policy only applies to properties that border Okanagan Lake and advised that the subject property's boundary does not actually front onto Okanagan Lake.

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

- Letter of Conditional Support:
 - o Stephani and Myles Bruckal, 2420 Abbott Street (2)
- Form Letters of Support:
 - o A package of form letters of support from 4 owners/occupiers of the surrounding area.

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

Jamie Mah, Applicant's Representative

- Have worked with the neighbours, Mr. and Mrs. Bruckal, in order to ensure that all of their site lines and privacy concerns were addressed.
- Provided information with respect to the "green" features of the development.
- Believes that the architectural design of the development fits with the nature of the neighbourhood.
- Believes that this is an exciting, modern, in-fill development.
- Advised that he has received letters of support from all of the adjacent neighbours.
- Advised that he did not want to have the garage doors fronting Francis Avenue.
- Advised that there is a landscape plan that will be slightly changed to reflect the agreement with Mr. & Mrs. Bruckal.

Pat McCusker, New Town Architectural Services, Applicant's Representative

- Displayed a plan of the site and confirmed that the siting of the structure has been moved 10 feet back.
- Addressed the site line issues that the abutting neighbours expressed a concern over.
- Displayed a drawing of what could potentially be constructed on the site for a single-family residence and advised that there is potential for a single-family residence to be larger than the proposed duplex development.
- The design of the development is trying to achieve "timeless" architecture that draws from the Central Okanagan's history.
- Does not feel that parking will be an issue.
- Advised that the access to the garages will be off of the access lane on Francis Avenue.
- Advised that there will be some small ornamental trees and low shrubs planted along the laneway and that the 2 trees, shown in the landscape plan along the property that border the Stewarts' property, will be replaced with these in order to keep the Stewarts' site lines.

Gallery:Karen Stewart, 350 Francis Avenue

- Approves of the plan and finds the development very attractive.
- Her and her husband have lived in their home for over 20 years and would not have consented or approved this development if they thought that it would have an adverse affect on their property or the neighbourhood.
- Read a letter that was sent to her from Mr. Mah confirming the mutual understanding between the developer and her and her husband.
- Have received an amendment to the site plan and suggested modifications to the pergola so that it no longer impedes her site line view.

Brian Cox, 2425 Abbott Street

- Has lived in his residence for over 30 years.
- Likes the development, but is concerned about the rezoning to the RU6 zone as this will set a precedent for the area.
- He would like to maintain the RU1 zoning of the neighbourhood despite the fact that there are other properties in the vicinity that are zoned RU6.
- Believes that the RU6 zoning has subsections to it that will increase the density of the RU6 properties in different ways.
- All of the lots in the area are large lots and he sees a potential of other property owners wanting to rezone to RU6 and create a whole row of duplexes.

Harry Tonn, 350 Francis Avenue

- Advised that the new buildings being erected in the area are bigger than what the developer is proposing.
- Believes that the neighbourhood needs to consider that a single-family residence on the property could potentially be larger than the proposed duplex development.

There were no further comments.

- 3.4 Bylaw No. 10372 (Z10-0030) - Hardeep and Jarnail Goraya/Axel Hilmer Planning Consultant - 721 Renshaw Road - THAT Rezoning Application No. Z10-0039 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, 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;

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AND THAT an occupancy permit be issued for the suite 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 FURTHER 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:

- Displayed a map of the surrounding properties that have already been rezoned to the RU1s zone.
- The application was initiated as a result of a Bylaw complaint regarding an illegal suite in the subject property.

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

- Letter of Opposition:
 - Gail Thompson, 736 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 the on-site parking will be off of the back laneway.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:51 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk