

Public HearingSeptember 21, 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, September 21<sup>st</sup>, 2010.

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

Council members absent: Councillors Kevin Craig and Robert Hobson.

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. Mayor Shepherd called the Hearing to order at 6:04 p.m.

Mayor Shepherd asked that Council take a moment of silence in memory of Sindi Hawkins who passed away on September 21, 2010 from cancer.

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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 3, 2010, and by being placed in the Kelowna Daily Courier issues of September 13, 2010 and September 14, 2010, and in the Kelowna Capital News issue of September 12, 2010, and by sending out or otherwise delivering 3,244 letters to the owners and occupiers of surrounding properties between September 3, 2010 and September 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. 10401 (Z10-0060) - Chlojo Investments Inc. (Edgecombe Builders) - 1290 & 1298 St. Paul Street - THAT Rezoning Application No. Z10-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 14 & 15, District Lot 139, ODYD, Plan 1303, Kelowna BC from the I2 - General Industrial zone to the C7 - Central Business Commercial 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 Permit and Development Variance Permit for the subject property;

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.

Public HearingSeptember 21, 2010

## Staff:

- Advised that 42 of the 56 parking stalls would be reduced to the smaller size.
- Addressed the parking requirements for the development.
- Clarified Council Policy No. 314 - Parking Credits for Mixed Use Developments in the Downtown.

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

- o Letters of Support:
  - Robert C. Neal, 1262 St. Paul Street
  - Heather MacNaughton, Kelowna Yoga House, 1272 St. Paul Street
- o Letters of Opposition:
  - Don Ratke, 1289 Ellis Street
  - Liz Wylie, 414-1289 Ellis Street
  - Martina Griffiths, 1289 Ellis Street
  - Lloyd Pederson, Strata Corporation KAS2913, 301-1289 Ellis Street
  - Ron & Carolyn Ash, 1289 Ellis Street

The City Manager joined the meeting at 6:19 p.m.

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

Kevin Edgecombe, Applicant

- Purchased the property in 1998 with the intention of redeveloping the site.
- Based on further discussions with City staff and as a result of the Advisory Planning Commission's comments, the development has been changed from a 7-storey structure to a 6-storey structure.
- Advised that he has had discussions with the Canadian Wood Council regarding the construction of wood-framed structures.
- Believes that the proposed development focuses on the liveability within the downtown core.
- Advised that the Sustainability Checklist will be updated prior to moving forward with the Development Permit and Development Variance Permit applications.
- Advised that the parking stall sizes are only reduced in length not in width.
- Advised that an informal neighbourhood discussion was held in the Cannery Lofts Coffee House regarding this proposal.
- Advised that a new rendering of the proposed development will be available prior to proceeding with the Development Permit and Development Variance Permit applications.
- Advised that potential purchasers will have the option to purchase their unit without a parking stall.
- Will be disclosing to potential purchases that the size of the parking stalls lengths have been reduced.

Terry Scott, Applicant's Representative

- Provided information regarding the proposed Car Share Program.

Brian Quiring, MQN Architects, Applicant's Representative

- Provided further details with respect to the proposed architecture for the development.

Public Hearing

September 21, 2010

Gallery:

Lloyd Pederson, Strata Corporation KAS2913, 301-1289 Ellis Street

- Expressed a concern with the setback variances being requested.
- Expressed a concern with the number of parking stalls being provided and the proposed variances to those stalls.
- Expressed a concern with the materials being proposed for the outside façade of the development.
- Believes that the development does not capture the spirit of the C7 zone.
- Does not object to the rezoning of the subject property.

Liz Wylie, 414-1289 Ellis Street

- Advised that she is mainly concerned about losing her view and daylight corridor as a result of the proposed development. Would like to see something less dense and less urban.
- Does not object to the rezoning of the subject property.
- Advised that she did not review the City's Official Community Plan for the area when she purchased her unit.

Brian Quiring, MQN Architects, Applicant's Representative

- Displayed drawings that indicate the variances required with respect to the daylight setbacks and explained how the daylight setback is determined.
- Advised that the development has been designed to ensure that there is space between the buildings.
- Advised that the material finish at the pedestrian level will be sealed or painted concrete.

Kevin Edgecombe, Applicant

- Advised that he does not own the vacant property located at 540 Cawston Avenue.
- Provided details with respect to the proposed commercial space for the development.

Deputy City Clerk:

- Clarified the Development Permit and Development Variance Permit processes as well as the notification requirements.

There were no further comments.

3.2 Bylaw No. 10402 (Z10-0061) - William & Lynn Jeffrey - 4555 Sallows Road - THAT Rezoning Application No. Z10-0061 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 33 Township 29 ODYD Plan 38411 located at 4555 Sallows Road, Kelowna, B.C. from the from the Agriculture 1 zone to the A1s - Agriculture 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Covenant which advises future inhabitants that this property is located adjacent to the Agricultural Land Reserve (ALR) and is subject to typical farm practices.

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

Public HearingSeptember 21, 2010

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

Jeff Cameron, Applicant

- Advised that the sole purpose of the rezoning application is to allow him and his family to live on the property and assist his in-laws.

There were no further comments.

- 3.3 Bylaw No. 10403 (Z10-0044) - Gordon Kaltenhauser - 120 Homer Road - THAT Rezoning Application No. Z10-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing 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 Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Black Mountain Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption be considered subject to a Building Permit application being made for the legalization of the existing dwelling units.

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

- o Letter of Opposition:
  - Darryl & Elaine Frasier, 150 Homer Road

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

Gordon Kaltenhauser, Applicant

- Advised that the original Building Permit included a three (3) car garage with the upper level as additional living space for the current home, however since the Building Permit was issued, the garage space has been converted into a separate suite.

Deputy City Clerk:

- Clarified how the Bylaw complaint process is handled.

City Manager:

- Provided further information with respect to what kind of recourse Council could impose on the applicant for not following the rules.

There were no further comments.

- 3.4 Bylaw No. 10404 (Z10-0051) - Kane #2 Resources Ltd. (Protech Consultants Ltd.) - 335 Gerstmar Road - THAT Rezoning Application No. Z10-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan 12346, located at

Public Hearing

September 21, 2010

335 Gerstmar 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 final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

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

The Deputy City Clerk advised 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.

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- Nothing further to add to staff's comments.

There were no further comments.

3.5 Bylaw No. 10405 (Z10-0056) - David Erikson, Alexander Norman & Susan Ames (David Erikson) - 1353 Flemish Street - THAT Rezoning Application No. Z10-0056 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 52, District Lot 137, ODYD, Plan 15035, located at Flemish Street, 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 an occupancy permit be issued for the suite prior to final adoption of the zone.

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

- Letter of Support:
  - Brad Stowe, Kendall Property Management, 159 Rutland Road S
- Petition of Opposition:
  - A Petition of Opposition signed by 16 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.

Alexander Norman, Applicant

- Advised that both a Project Manager and a gardener have been hired by the Applicants in order to deal with any tenant issues and landscaping maintenance concerns.
- Advised that the upstairs is currently occupied by renters, but that the basement suite is vacant.
- Advised that the property was purchased in December 2009 and that the basement suite was already constructed.

Public HearingSeptember 21, 2010

## Gallery:

Doug Green, 1340 Flemish Street

- Opposed to the rezoning of the property.
- Feels that the neighbourhood is already diversified enough.
- The various rental properties in the area are in various stages of disrepair and he does not want this property to add to the neighbourhood problems.

Barry Stickland, 1332 Flemish Street

- Expressed a concern with rental properties in the neighbourhood.

Alexander Norman, Applicant

- Advised that the Applicants have complied with the City's regulations with respect to the required permits and that they are willing to comply with any further requests of Council or City staff.

## Deputy City Clerk:

- Confirmed that a Business Licence is required by property owners who wish to rent out a secondary suite.
- Advised that the Business Licence requirement if a single-family dwelling is rented out in its entirety would need to be clarified.

There were no further comments.

- 3.6 Bylaw No. 10406 (Z10-0011) - Olga Stuhlberg (Van Gulp & Company) - 1785 Swainson Road - THAT Rezoning Application No. Z10-0011 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot E, Sections 19 and 30, Township 27, ODYD, Plan 2058, located at 1785 Swainson Road, Kelowna BC, from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone, as shown on Map "A" attached to the report of Land Use Management Department, dated August 12, 2010, be considered by Council;

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

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.

Henk Van Gulp, Van Gulp & Company, Applicant's Representative

- Believes that the rezoning request is fairly straight forward.
- Advised that there is a No Disturb Covenant being proposed for the marsh land on the subject property.
- Advised that the Applicant would not be opposed to a "farming activity" covenant being registered on title to the subject property.

There were no further comments.

- 3.7 Bylaw No. 10407 (Z10-0055) - Singla Bros. Holdings Ltd. - 875 Hollywood Road South - THAT Rezoning Application No. Z10-0055 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of a portion of Lot 12, Section 23, Township 26 ODYD Plan 16489 except Plan 19430 located at Hollywood Road South, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with a secondary suite and RU6 - Two Dwelling Housing zones as shown on Map "A" attached to the report of the Land Use Management Department, dated August 12, 2010 be considered by Council;

Public HearingSeptember 21, 2010

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 issuance of a Preliminary Layout Review Letter by the Approving Officer.

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

- Letter of Opposition:
  - Rhonda Kopp, 550 White Road
- Letters of Concern:
  - Jamie Moffatt, 912 Juniper Road
  - Marjorie Graf, 849 Juniper Road
  - Sandra & Dwayne Jeurond, 890 Juniper Road

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

Mr. Singla, Applicant

- Advised that he spoke to the City's previous Subdivision Approving Officer, Mr. Shaunnessy, regarding the proposed development and was advised that the City did not have any concerns.
- Believes that property values in the area will increase once the new buildings are constructed.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:18 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/dld