

Public HearingDecember 14, 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, December 14th, 2010.

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

Council members absent: Councillor Angela Reid.

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

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:05 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 December 3, 2010, and by being placed in the Kelowna Daily Courier issues of December 6, 2010 and December 7, 2010, and in the Kelowna Capital News issue of December 5, 2010, and by sending out or otherwise delivering 817 letters to the owners and occupiers of surrounding properties between November 26, 2010 and December 3, 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. 10450 (Z10-0082) - Steven Lwowski (Kevin Lwowski) - 350 Moyer Road - THAT Rezoning Application No. Z10-0082 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 40, Section 35, Township 26, ODYD Plan 425 except plan 43311, located on Moyer Road, Kelowna, BC from the A1-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 a building permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

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

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- Letter of Opposition:
 - M.E. Nixon & P.A. Nebot, 375 Moyer Road

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

Kevin Lwowski, Applicant

- Would like to place a mobile home on the property so that his recently widowed mother-in-law can live on site.
- Does not believe that there will be any parking issues as a result of the mobile home as there is enough space on site to accommodate any parking needs.

There were no further comments.

- 3.2 Bylaw No. 10451 (Z10-0075) - Watermark Developments Ltd. - 2960 Appaloosa Road - THAT Rezoning Application No. Z10-0075 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot 5 Section 3 Township 23 ODYD Plan 18861 Except Plan EPP8916, located on 2960 Appaloosa Rd, Kelowna, BC from the A1 - Agriculture 1 zone to the RU2s - Medium Lot Housing with Secondary Suite zone as shown on Map "A" attached to the Report of the Land Use Management Department, dated 27 October 2010, 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 Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Glenmore Ellison Improvement District being completed to their satisfaction.

Staff:

- Advised that Development Cost Charges are applied at the time of issuance of the Building Permit.
- Confirmed that the Development Cost Charge for secondary suites is a flat fee of \$2,500.00.

The 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.

John Hertay, Watermark Developments Ltd., Applicant

- Advised that the development has been designed for young, working-class families.
- Advised that the entire neighbourhood has been zoned to allow for secondary suites in order to allow potential homeowners to have an option of a mortgage helper.
- Believes that the close proximity of the development to the University will benefit students as a result of the secondary suite zoning.
- Advised that the majority of the homes being constructed for the development will be in the form of modular homes.
- Displayed a picture of the type of modular home that will be constructed in the development.
- Believes that the layout of the development is simply a housekeeping matter as the original subdivision plan contemplated a commercial component. The commercial component can no longer be accomplished due the City's Transportation Department requesting a realignment of Arab Road.
- In order to utilize the large lots, the three (3) lots that back onto Arab Road will probably contain a carriage house rather than a basement suite.

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Gallery:

Gurupdesh Pandher, 265 Arab Road

- Not opposed to the rezoning, but feels that some of the previous commitments made by the developer should be honoured.
- Detailed some of the issues and concerns that have arisen between his property and the proposed development. Is particularly concerned about his well water and increase in heavy metals that have contaminated his soil.
- Advised that he has entered into mediation discussions with the developer in order to deal with the water and sewer issues that he believes is a result of the proposed development.

Wayne Ongman, 2936 Appaloosa Road

- Has lived in the area for 36 years.
- Does not have an objection to the rezoning, but does have some concerns with the proposed development.
- Would like some clarification as to the size of Lots 4, 5 & 6 as those lots seem somewhat irregular.
- Expressed a concern that there was a recent rezoning of some of the properties in the area to Industrial-Limited and he is concerned that there will now be residential lots mixed in with the Industrial-Limited lots.

John Hertay, Watermark Developments Ltd., Applicant

- Believes that some of the soil contamination to 265 Arab Road is likely to have been caused by another property in the area.
- Does not believe that he needs to pay for the water connection for 265 Arab Road. The water connection is there and all the owner needs to do is connect to the water main.
- Advised that he did not mention the sewer connection during his presentation as he is currently dealing with City staff on the matter.
- Expressed a concern that the City is now asking for \$29,200.00 per lot for the sewer connection and that is why he has not discussed the sewer connection with the owner of 265 Arab Road.
- Advised that he did not make any representations to the owner of 265 Arab Road. He is currently dealing with City staff in order to address any water and sewer issues pertaining to the development.

There were no further comments.

- 3.3 Bylaw No. 10453 (Z10-0088) - Edwina Flanagan and Gordon Kelly - 735 Hollywood Road South - THAT Rezoning Application No. Z10-0088 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 23, Township 26, ODYD Plan 25175, located on Hollywood Road South, 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 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 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.

Gordon Kelly, Applicant

- Believes that this is a straight-forward rezoning application and confirmed that he resides on the property.

There were no further comments.

- 3.4 Bylaw No. 10455 (Z10-0083) - Denys and Iryna Storozhuk - 1195 Rio Drive South - THAT Rezoning Application No. Z10-0083 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 20, Section 6, Township 23, O.D.Y.D., Plan KAP68061, located on Rio dr. S., Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - 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 a building permit for the suite be applied for prior to final adoption of the zone.

Staff:

- Confirmed that the building height complies with the City's Bylaws and that the structure complies with the BC Building Code Regulations.
- Land Use Management staff have already requested that "no parking" signs be erected along the front of the subject property.
- Advised that the required number of parking spaces for the site is three (3) and that the applicant is proposing more than ample on-site parking. Displayed a map of the proposed parking plan.

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

- o Letters of Opposition:
 - Lorinda Christian & Ron Jorde, 269 Magic Drive
 - Ursula & John Sullivan, 259 Camelot Court
 - Peter & Helen Jeffrey, 318 Woodcrest Court
 - Colleen & Matt Simpson, 253 Camelot Court
 - Myrna Nimmo, 340 Rio Drive South
 - D. Wayne Stann, 303 Avonlea Way
- o Letters of Concern:
 - Tony & Teresa Smith, 292 Rio Drive South
 - James Allison, 310 Woodcrest Court
 - Kimmo Numminen, 294 Knightsbridge Way
- o Form Letters of Support:
 - A package of two (2) form letters from adjacent neighbours as submitted by the Applicant.

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

Denys Storozhuk, Applicant

- Advised that the property was purchased through a foreclosure action in March of 2010.
- Would like to develop a professional structure that fits into the neighbourhood.
- Was surprised by the opposition to the rezoning as the property is located at the entrance to the Rio Drive subdivision and currently vacant and not well maintained.
- Believes that the proposed no parking in front of the site will help alleviate any concerns the neighbourhood may have with respect to on-street parking and traffic congestion.

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- Believes that there will be sufficient parking on the site. The driveway has been flattened so that it will accommodate a significant number of vehicles.
- Displayed an aerial view of the site.
- Advised that he has received the consent of the three (3) adjoining property owners.
- Displayed the plan for the proposed secondary suite.

Gallery:

Fred Brown, 337 Rio Drive South

- Was initially concerned with on-street parking, but that has now been remedied by the Applicant's presentation.
- Expressed a concern with allowing more secondary suites in the area as he believes that secondary suites will lower his property value.

Ted Douglas, 319 Woodcrest Court

- Displayed photos of the proposed structure.
- Displayed the Phase II Design Guidelines for the Magic Estates Development and noted the specific sections that relate to "Building Height" and "Retaining Walls".
- Is opposed to the proposed secondary suite.

Staff:

- Advised that the Design Guidelines (Building Scheme) are regulated and enforced by the developer not the City.

Denys Storozhuk, Applicant

- Displayed a letter from the developer granting special approval for the design of the structure contrary to the Design Guideline provisions.
- Provided an explanation of why the retaining wall was required.

There were no further comments.

3.5 Bylaw No. 10456 (OCP10-0011) and Bylaw No. 10457 (Z10-0058) - Various Owners and Addresses - OCP Mapping Housekeeping Amendments - THAT OCP Bylaw Amendment No. OCP10-0011 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600, by changing:

1. the Future Land Use designation of Lots 27 - 33, DL 1688S, SDYD, Plan KAP82069, located on Kuipers Cres., Kelowna, BC from the Major Park/Open Space designation, to the Single/Two Unit Residential designation, as shown on Map "1A" attached to the report of Land Use Management Department dated November 8, 2010, be considered by Council,
2. the Future Land Use designation of parts of Lots 10, 11, & 14, and Lots 12 & 13, DL1688s, SDYD, Plan KAP84694, located on Kuipers Cres & Clarence Ave., Kelowna, BC from the Major Park/Open Space designation, to the Single/Two Unit Residential designation, and Lot 27, DL1688s, SDYD, Plan KAP84694, located on Kuipers Cres & Clarence Ave., Kelowna, BC from the Single/Two Unit Residential designation to the Major Park/Open Space designation, as shown on Map "2A" attached to the report of Land Use Management Department dated November 8, 2010, be considered by Council,
3. the Future Land Use designation of Part of Lot A, DL1688s, SDYD, Plan KAP68646, Exc. Plans KAP68647, KAP70485, KAP71342, KAP72474, KAP74275, KAP74684, KAP76064, KAP79204, KAP82069, KAP82290, & KAP84694, located on Kuipers Cres., Kelowna, BC from the Single/Two Unit Residential designation, to the Major Park/Open Space designation,

as shown on Map "3A" attached to the report of Land Use Management Department dated November 8, 2010, be considered by Council,

4. the Future Land Use designation of Part of Lot 3, DL 124, O.D.Y.D., Plan KAP84653, located on McCurdy Rd., Kelowna, BC from the Industrial designation, to the Major Park/Open Space designation, as shown on Map "4A" attached to the report of Land Use Management Department dated November 8, 2010, be considered by Council,
5. the Future Land Use designation of Strata Lot 1, DL14, O.D.Y.D, Strata Plan KAS2898, located Wardlaw Ave., Kelowna, BC from the Single/Two Unit Residential designation, to the Multiple Unit residential (Low Density) designation, as shown on Map "5A" attached to the report of Land Use Management Department dated November 8, 2010, be considered by Council,
6. the Future Land Use designation of Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP56656, located on Spruceglen Dr., Kelowna, BC from the Single/Two Unit Residential designation, to the Major Park/Open Space designation, as shown on Map "7" attached to the report of Land Use Management Department dated November 8, 2010, be considered by Council,

AND THAT Rezoning Application No. Z10-0058 to amend the City of Kelowna Zoning Bylaw No. 8000,

1. by changing the zoning classification of Lots 27 - 33, DL 1688S, SDYD, Plan KAP82069, located on Kuipers Cres., Kelowna, BC from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside area) zone, as shown on Map 1B,
2. by changing the zoning classification of parts of Lots 10, 11, & 14, and Lots 12 & 13, DL1688s, SDYD, Plan KAP84694, located on Kuipers Cres & Clarence Ave., Kelowna, BC from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside area) zone, and Lot 27, DL1688s, SDYD, Plan KAP84694, located on Kuipers Cres & Clarence Ave., Kelowna, BC from the RU1h - Large Lot Housing (Hillside area) zone to the P3 - Parks and Open Space zone, as shown on Map 2B
3. by changing the zoning classification of Part of Lot A, DL1688s, SDYD, Plan KAP68646, Exc. Plans KAP68647, KAP70485, KAP71342, KAP72474, KAP74275, KAP74684, KAP76064, KAP79204, KAP82069, KAP82290, & KAP84694, located on Kuipers Cres., Kelowna, BC from the from the RU1h - Large Lot Housing (Hillside area) zone to the P3 - Parks and Open Space zone, as shown on Map 3B
4. by changing the zoning classification of Lot 3, DL 124, O.D.Y.D., Plan KAP84653, located on McCurdy Rd., Kelowna, BC from the I2 - General Industrial zone to the P3 - Parks and Open Space zone, as shown on Map 4B,
5. by changing the zoning classification of Strata Lot 1, DL14, O.D.Y.D, Strata Plan KAS2898, located Wardlaw Ave. on, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, as shown on Map 5b,
6. by changing the zoning classification of Part of Lot 27, Sec. 19, Twp. 27, O.D.Y.D., Plan KAP81891, located on Stockley St., Kelowna, BC from the

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RU1hs - Large Lot Housing (Hillside area) with Secondary Suite zone to the RU1h - Large Lot Housing (Hillside area) zone, as shown on Map 6,

7. by changing the zoning classification of Part of Lot A, Sec. 23, Twp. 26, O.D.Y.D., Plan KAP90062), located on Rutland Road S., Kelowna, BC from the C4lp Urban Centre Commercial (Liquor Primary) and C2 - Neighbourhood Commercial zones to the C4 - Urban Centre Commercial zone, as shown on Map 8

be considered by Council.

AND FURTHER THAT the OCP Bylaw Amendment No. OCP10-0011, and zone amending bylaw be forwarded to a Public Hearing for further consideration.

The 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. No one came forward.

- 3.6 Bylaw No. 10454 (Z10-0081) - Bruce Saunders - 964 Campus Court - THAT Rezoning Application No. Z10-0081 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 37, District Lot 135, ODYD Plan 26296, located on Campus Court, 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 be applied for prior to final adoption of the zone.

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

- o Letters of Opposition:
 - Shirley Stoppa, 969 Grenfell Court
 - Gavin Bailey, 2622 Grenfell Court

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

Bruce Saunders, Applicant

- Feels that the "S" designation will provide affordable housing for the area and that the proposed suite would be suitable for a student.
- Confirmed that there is sufficient off-street parking and that traffic should not be a concern as the suite being proposed is small.

Gallery:Trevor Butler, 984 Campus Court

- Expressed a concern that the second floor of the property could potentially become a suite.

Gavin Bailey, 2622 Grenfell Court

- Expressed a concern that the second floor of the property could potentially become a suite.
- Believes that the structure will look out of place in the entire neighbourhood.

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Bruce Saunders, Applicant

- Advised that the structure was never designed to be a multi-unit suite building and confirmed that the second and third floors will be occupied by his family. Only the suite in the basement will be rented out.
- Explained that he continued with construction during the rezoning application process based on the direction of the City's Building Department.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:42 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk