

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 29<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil\*, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:03 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" 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 May 11, 2012 and by being placed in the Kelowna Capital News issues of May 18, 2012 and May 22, 2012, and by sending out or otherwise delivering 345 letters to the owners and occupiers of surrounding properties between May 11, 2012 and May 18, 2012. For convenience, information regarding this Public Hearing is also available at [kelowna.ca](http://kelowna.ca).

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. 10699 - Text Amendment Application No. TA12-0002 - Kettle Valley Holdings Ltd. (Carlos Bermudez) - 5570 Mountainside Drive - THAT Zoning Bylaw Text Amendment No. TA12-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by adding a designation to the CD2 - Kettle Valley Comprehensive Residential Development zone, as outlined in the Report of the Land Use Management Department dated April 11, 2012, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA12-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by adding a designation to the CD2 - Kettle Valley Comprehensive Residential Development zone, as outlined in the Report of the Land Use Management Department dated April 11, 2012, be considered by Council.

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

Mayor Gray invited 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. 10700 - Rezoning Application No. Z12-0014 - Lionel & Terry Nicholson and Steven & Loretta Nicholson (Loretta Nicholson) - 384 Glenwood Avenue - THAT Rezoning Application No. Z12-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 14, ODYD Plan 3305, and the full width of the alley to the north of the site as per map 'A' attached, located on Glenwood Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing 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 Development Engineering being completed to their satisfaction.

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

- o Letters of Opposition:
  - Mary Drzewiecki, 2127 Long Street (2)
  - Marianne & Peter Leimert, 2164 Padosy Street
  - Beverley Kalmakoff, Kelowna South-Central Association of Neighbourhood (KSAN)
  - Marietta Lightbody, Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS)
  - Wayne Margerison, 381 Glenwood Avenue

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

#### Steve & Loretta Nicholson, Applicants

- Gave a presentation regarding the proposed rezoning from RU1 to RU6.
- The proposed rezoning is in accordance with the Official Community Plan and is required in order to facilitate the construction of a duplex.
- As residents in the Abbott Street Heritage Conservation Area, they wish to preserve the unique identity of the area.
- The proposal allows for a more efficient use of the property and helps diversify the housing supply in the area.
- Confirmed that key characteristics of heritage properties are included in the proposal.
- Parking will be achieved within two (2) double garages which will be accessed off of a partial lane at the rear of the site. There will be two (2) additional parking stalls on either side of the proposed garage. A total of eight (8) off-street parking stalls are being provided.
- The site meets the lot area requirements to accommodate the RU6 zone.
- Confirmed that prior to making the application, they canvassed the neighbourhood for feedback.
- Believes that the proposal meets the objectives of the Heritage Conservation Area and FRACHAS by preserving and maintaining the existing single and two family residential character of the Abbott Street Heritage Conservation Area.

#### Staff:

- Confirmed that a staff directed Heritage Alteration Permit will be required in order to address the form and character of the development.

## Gallery:

Mary Drzewiecki, 2127 Long Street

- Has lived in Kelowna for 23 years.
- Believes that if the RU6 zoning is granted, it will establish a policy change which will permanently alter and set a precedent in the small Heritage Conservation Area.
- The two (2) RU6 lots in the area were grandfathered and were in existence since 1998. There has not been any rezoning to the RU6 zone in the area since it was designated a heritage conservation area in 1998.
- Even though she indicated to the Applicants that the proposal is a nice design, she is opposed to the rezoning to RU6.
- Believes that the ambience of the area should remain for single-family homes and does not welcome duplexes to the area.
- Expressed a concern with parking.
- Believes that the Heritage Conservation Area needs to be protected and preserved and therefore only single-family dwellings belong in the area.

Councillor Blanche joined the meeting at 6:28 p.m.

Anne Laurie on behalf of Marietta Lightbody, Vice-President & Director, Friends & Residents of the Abbott Street Heritage Conservation Area Society ("FRAHCAS")

- Read aloud and submitted a letter from Marietta Lightbody, which was submitted on behalf of FRAHCAS.
- Since FRAHCAS was formed in 1998, the biggest focus has been to prevent rezoning applications for the RU6 zone. Since that time, there have been no RU6 rezoning applications granted for the area. The only RU6 zoned properties preceded the establishment of the Heritage Conservation Area.
- Opposed to the rezoning.

Anne Laurie, on behalf of Tim Laurie, 425 Glenwood Avenue

- Read aloud and submitted a letter from her son, Tim Laurie.
- Expressed a concern with the proposed rezoning and noted that Mr. Laurie owns property directed adjacent to the subject property.
- Strongly opposed to the rezoning.

## Staff:

- Given the design being proposed, staff felt that the proposal was consistent with the Official Community Plan, and therefore the rezoning application was supported by staff.
- Believes that the proposal meets the objectives of the Heritage Conservation Area.

Wayne Dodds, 420 Christleton, on behalf of Kelowna-South Central Association of Neighbourhoods ("KSAN")

- Advised that he is an Executive Member of KSAN.
- Advised that KSAN is supportive of FRAHCAS' position on the rezoning and therefore is opposed to the subject application.
- KSAN has expressed a concern with setting a precedent in the area should the RU6 rezoning be approved.

Dorothy Margerison, 381 Glenwood Avenue

- Opposed to the rezoning.
- Only wants single-family dwellings in the area.
- Expressed a concern with respect to parking and traffic impacts.
- Believes that the proposed duplex will be quite a bit higher than the surrounding residences.
- Concerned that the rezoning to the RU6 zone will set a precedent in the area.

Staff:

- Reiterated that a staff directed Heritage Alteration Permit will be required as part of the rezoning application in order to address the form and character of the development.
- Confirmed that the RU6 zone would allow for two (2) single-family dwellings on one (1) lot.

Eileen Cordingley, 370 Royal Avenue

- Advised that her house was built in 1952.

Reynold Epp, 2127 Long Street

- Requested clarification with respect to the site coverage.

Staff:

- Confirmed that the proposal meets the site coverage requirements of the City's bylaws.
- Confirmed that the adjacent back laneway was included when calculating the site coverage, however, the site coverage requirements have been met even without the consolidation of the back laneway.
- Confirmed that the demolition of the previous residence on the property required a permit from the City.
- Believes that rezoning to the RU6 zone will not set a precedent as the majority of the lots in the Heritage Conservation Area do not meet the criteria of the RU6 zone.

Steve Nicholson, Applicant

- Displayed a photo of the previous residence that was demolished.
- Agrees that parking is a massive issue in the area, and he has ensured that there is adequate on-site parking to accommodate occupier and visitor parking.
- Advised that by purchasing, and consolidating, the back laneway, it will create more parking spaces on the site.
- Advised that he is planning to develop the boulevard similar to the boulevards along the Abbott Street corridor.
- Already has the duplexes spoken for and confirmed that they will be owner-occupied.
- Advised that the pitch of the roof was changed in order to ensure that the impact on the neighbouring property to the west was minimized.

There were no further comments.

- 3.3 Bylaw No. 10701 - Rezoning Application No. Z12-0024 - Shamus Jonathon Knox & Lisa Christine Hawkins (Shamus Jonathon Knox) - 1452 Montenegro Drive - THAT Rezoning Application No. Z12-0024 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 8, Section 13, Township 26, O.D.Y.D., Plan KAP84278, located on Montenegro Drive, Kelowna, BC from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) 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 the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of 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 no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

3.4 Bylaw No. 10703 - Official Community Plan Bylaw Amendment Application No. OCP11-0018 and Rezoning Application No. Z11-0090 - JB Developments Ltd. - 373-375 Fizet Avenue - THAT OCP Bylaw Amendment No. OCP11-0018 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizet Avenue, Kelowna, BC from the Single/Two-Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Land Use Management Department dated January 27, 2012, be considered by Council;

AND THAT Rezoning Application No. Z11-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizet Avenue, Kelowna, BC, Kelowna BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT the applicant be required to hold a public information meeting, prior to the bylaws receiving first reading, in accordance with the *Local Government Act* and the City of Kelowna's Development Application Procedures Bylaw No. 10540;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development 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 Black Mountain Irrigation being completed to their satisfaction.

THAT Council consider the Public Consultation process undertaken by the applicant as outlined in the report of the Land Use Management, dated April 27, 2012 as appropriate for the purpose of Section 879 of the *Local Government Act*;

AND THAT the OCP and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration.

Staff:

- Confirmed that the Applicant has met the Public Consultation process requirement of the *Local Government Act*.

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

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

Shawn & Leanne Misfeldt, JB Developments Ltd.

- Advised that there are quite a few legal suites in the neighbourhood.
- Believes that this is a good area for multi-family as it is close to schools and transit.
- Would like to add to the City's rental housing stock.
- Confirmed that there are separate outside entrances for all of the units.
- Confirmed that the parking requirements for each of the units have been met.
- Advised that they have owned the property for the past 7 years and have not had any complaints regarding the property since taking ownership.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:10 p.m.

Certified Correct:

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Mayor

SLH/dld

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Deputy City Clerk

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Regular MeetingMay 29, 2012

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, May 29<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillors Andre Blanleil and Maxine DeHart.

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

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:10 p.m.

2. A Prayer was offered by Councillor Singh.

3. CONFIRMATION OF MINUTES

Public Hearing - May 15, 2012  
Regular Meeting - May 15, 2012

Moved by Councillor Given/Seconded by Councillor Basran

R504/12/05/29 THAT the Minutes of the Regular Meetings of May 15, 2012 and the minutes of the Public Hearing of May 15, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10699 (TA12-0002) - Schedule "B" - Comprehensive Development Zone Amendments to the City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R505/12/05/29 THAT Bylaw No. 10699 be read a second and third time.

Carried

4.2 Bylaw No. 10700 (Z12-0014) - Lionel & Terry Nicholson and Steven & Loretta Nicholson (Loretta Nicholson) - 384 Glenwood Avenue

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R506/12/05/29 THAT Bylaw No. 10700 be read a second and third time.

Carried

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- 4.3 Bylaw No. 10701 (Z12-0024) - Shamus Jonathon Knox and Lisa Christine Hawkins (Shamus Jonathon Knox) - 1452 Montenegro Drive

Moved by Councillor Stack/Seconded by Councillor Given

R507/12/05/29 THAT Bylaw No. 10701 be read a second and third time.

Carried

- 4.4 Bylaw No. 10703 (OCP11-0018) - JB Developments Ltd. - 373-375 Fizet Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Given

R508/12/05/29 THAT Bylaw No. 10703 be read a second and third time.

Carried

- 4.5 Bylaw No. 10704 (Z11-0090) - JB Developments Ltd. - 373-375 Fizet Avenue

Moved by Councillor Basran/Seconded by Councillor Singh

R509/12/05/29 THAT Bylaw No. 10704 be read a second and third time.

Carried

5. THE DEPUTY CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 779 letters to the owners and occupiers of the surrounding properties between May 11, 2012 and May 18, 2012.

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 No. 309.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Bylaw No. 10470 (Z10-0029) - Jackie Scherle (Lynn Welder Consulting Ltd.) - 1096 Quesnel Road

Moved by Councillor Singh/Seconded by Councillor Hobson

R510/12/05/29 THAT Bylaw No. 10470 be adopted.

Carried



Regular MeetingMay 29, 2012

- 6.1.1 Land Use Management Department, dated May 2, 2012 re: Development Variance Permit Application No. DVP10-0044 - Jackie Scherle (Lynn Welder Consulting Ltd.) - 1096 Quesnel Road Deputy City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

**R511/12/05/29** THAT final adoption of Zone Amending Bylaw No. 10470 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP10-0044, for Lot 1, District Lot 135, O.D.Y.D., Plan 17194, located on Quesnel Road, Kelowna, BC;

AND FURTHER THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 13.1.6 (a) Development Regulations - site coverage:**

To vary the maximum permitted site coverage from 50% permitted to 57% proposed.

Carried

- 6.2 Land Use Management Department, dated May 3, 2012 re: Development Variance Permit Application No. DVP12-0063 - Louis Pouliot & Johanne Corbin (Keith Construction) - 3270 Shayler Road Deputy City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Stack/Seconded by Councillor Hobson

**R512/12/05/29** THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0063 for Lot 2, Section 29, Township 23, ODYD, Plan KAP90169, located at 3270 Shayler Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 12.1.6(b) (Development Regulations):**

To vary the maximum height of an accessory building from 6.0m permitted to 8.4m proposed, as per Schedule "A".

Carried

- 6.3 Land Use Management Department, dated April 24, 2012 re: Development Variance Permit Application No. DVP12-0060 - Charles Lund & Mary Lund - 990 Manhattan Drive Deputy City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Singh

**R513/12/05/29** THAT Council authorize the issuance of Development Variance Permit No. DVP12-0060 for Lot 16, District Lot 9, ODYD, Plan 16501, located at 990 Manhattan Drive, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

**Section 6.11 Okanagan Lake Sight Lines:**

Vary the required southern property line Okanagan Lake 120° Panoramic Sight Line from 120° required to 103° proposed as per schedule "A".

Carried

- 6.4. Bylaw No. 10664 (Z11-0089) - Derek & Wilhelmina Brown (Heather Martin) - 320 Strathcona Avenue

Moved by Councillor Singh/Seconded by Councillor Hobson

**R514/12/05/29** THAT Bylaw No. 10664 be adopted.

Carried

- 6.4.1 Land Use Management Department, dated April 27, 2012, re: Heritage Alteration Permit Application No. HAP11-0012 - Derek & Wilhelmina Brown (Heather Martin) - 320 Strathcona Avenue

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Basran/Seconded by Councillor Stack

Regular MeetingMay 29, 2012

**R515/12/05/29** THAT Final Adoption of Zone Amending Bylaw No. 10664 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP11-0012 for Lot 21, DL 14, ODYD, Plan 535, located at 320 Strathcona Avenue, Kelowna, subject to the following:

- 1) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3) Landscaping to be provided be in general accordance with Schedule "C";
- 4) That continuous opaque fencing be provided on the side and rear yards of the subject property.

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP11-0012 for Lot 21, DL 14, ODYD, Plan 535, located at 320 Strathcona Avenue, Kelowna, B.C.;

AND FURTHER THAT variances to the following sections of Zoning Bylaw No. 8000, P1 - Major Institutional be granted:

**Section 8.1.10 (d) Parking Regulations:**

To vary the required setback for parking from a property line abutting a residential zone from 1.5m required to 1.0m proposed.

**Section 16.1.5 (e) Development Regulations:**

To vary the required side yards from 4.5m required to 1.56m for the western side yard and 1.52m for the eastern side yard.

Carried

7. REMINDERS - Nil.

8. TERMINATION

The meeting was declared terminated at 7:41 p.m.

Certified Correct:

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Mayor

SLH/dld

*K. Sedham*

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Deputy City Clerk