

Public HearingDecember 11, 2012

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 11th, 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: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Manager, Development Engineering, Steve Muenz*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:01 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. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 23, 2012 and by being placed in the Kelowna Capital News issues of November 30, 2012 and December 4, 2012, and by sending out or otherwise delivering 1,312 letters to the owners and occupiers of surrounding properties between November 23, 2012 and November 30, 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 309.

3. INDIVIDUAL BYLAW SUBMISSIONS
- 3.1 Bylaw No. 10782 - Rezoning Application No. Z11-0083 - Arnold & Melitta Frank (Protech Consultants Ltd.) - 1429 KLO Road - THAT Rezoning Application No. Z11-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 52, DL131, ODYD, Plan 186, Except Plan KAP78326, located on 1429 KLO Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RM7 - Mobile Home Park 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 Variance Permit and a Development Permits for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant on title restricting the form of dwelling to "modular" units meeting the CSA A-277 standard;

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.

Staff:

- Confirmed that the development plan has been amended to include a children's play area.

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

- o Letter of Concern:
 - Richard Borroughs, KLO Central Neighbourhood Association
- o Letter of Opposition:
 - Rita Parker & Walter Viita, 1358 Ladner Road (2)
- o Petition of Opposition:
 - A Petition of Opposition signed by 72 owners/occupants of the surrounding properties as submitted by Rita Parker & Walter Viita, 1358 Ladner Road

Staff:

- Responded to questions from Council.
- Advised that there is an east-west pedestrian walkway been contemplated.
- Advised that agricultural buffering will not be necessary as the subject property does not border active ALR lands.
- Confirmed that emergency access to the site will be off of St. Amand Road.
- Advised that a wider road dedication than normal is being provided in order to preserve the lands along the Fascieux Creek area.
- Advised that any disturbance to the creek would require an Environmental Development Permit.

Mayor Gray 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

- Raised a concern that the copy of the Petition in Opposition did not include any contact information.
- Confirmed that the subject property is not agricultural land even though it is zoned A1. The Official Community Plan designates the site as low density, multi-family.
- Advised that Fascieux Creek does not actually run through the subject property. The majority of the creek is located on the adjoining property owned by the Bullock Family.
- Confirmed that the Kelowna Fire Department has advised that the second access to the subject property is not required at this time. The National Fire Protection Agency requires that a second access, either emergency or permanent, be required after construction of 100 units. The City's Mobile Home Bylaw requires that an emergency or second access be required after construction of 50 units.
- Confirmed that the main access to the development will be off of KLO Road. The KLO Road access will remain where it is, as is, until such time as Bothe Road is extended.
- Addressed the concerns raised in the letter from the KLO Central Neighbourhood Association.
- Advised that at the time of the Development Permit, the owners of the property are willing to grant the City a right-of-way for the east-west pedestrian walkway on the provision that the adjacent property owners also grant the City a right-of-way so that continual pedestrian access can be obtained.
- Confirmed that the development is not a strata, it will be a modular home park.

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- Confirmed that the Manufactured Home Tenancy Act sets out the terms and conditions that must be followed with respect to any tenancy in a manufactured (modular) home park.
- Advised that the property owners have spoken to the adjoining property owners in order to provide them with information about the rezoning and development.
- Advised that an environmental consultant has reviewed the Fascieux Creek setbacks and agreed with the City's recommendation of requiring a 24m riparian setback on the property.
- Confirmed that green space will be provided within the modular home park.
- Advised that the units will vary between 1,200 to 1,500 square feet in size.
- Displayed photos of what the modular homes will look like.
- Responded to questions from Council.

Gallery:

Rita Parker, 1358 Ladner Road

- Confirmed that she submitted the Petition in Opposition and explained the process she used for obtaining the signatures.
- Expressed a concern that the wetland in the area will be negatively impacted by the proposal. Believes that the wetland is not being properly protected.
- Would like a more comprehensive environmental study completed for the area.
- Provided information regarding recent bylaw enforcement issues along Fascieux Creek.
- Expressed a concern that proper notice was not given to the affected property owners.
- Is under the impression that the development is considered "low-cost housing". Believes that the proposal does not meet the spirit and intent of "low-cost housing".
- Expressed a concern with the loss of agricultural land whether or not it's in the ALR.
- Believes that the property is being over-developed.
- Responded to questions from Council.

Deputy City Clerk:

- Clarified that the Petition in Opposition provided in the Council Package for public review did not contain personal phone numbers and email addresses for privacy reasons. Phone numbers and email addresses would have been provided to the Applicant upon request.

Walter Viita, 1358 Ladner Road

- Believes that the proposal will directly impact his property.
- Expressed a concern with the wetland in the area.
- Believes that Bothe Road will have to be relocated as a result of the wetlands.
- Expressed a concern with the emergency access being proposed as he feels it will be used as a main access to the development.
- Believes that the majority of residents on Bothe Road are opposed to the proposal.

Ted Porter, 1293 Bothe Road

- Advised that he also obtained signatures on a Petition in Opposition and that everyone he spoke to about the proposal signed the Petition.
- Expressed a concern with the Bothe Road extension and the increase in traffic as a result of the proposed development.
- Believes that an increase in traffic will impact the on-street parking in the area.
- Responded to questions from Council.

Staff:

- Clarified that a new alignment for Bothe Road will not impact the wetland area.
- Confirmed that the proposed rezoning application will require a road dedication for the future extension of Bothe Road.

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- Advised that a Conservation Covenant is being negotiated as a result of this development, similar to what is already registered on the Bullock property.

Werner Schultz, 3229 St. Amand Road

- Advised that he has lived on St. Amand Road since 1973.
- Expressed a concern with the condition of St. Amand Road.
- Inquired as to how sewer and water will be connected to the new development.
- Inquired as to the timeline for the sewer and water connection to St. Amand Road.
- Believes that St. Amand Road will be negatively impacted by the proposed development as a result of increased traffic to the area.

Staff:

- Advised that the Burtch Road extension is currently not in the DCC Program.
- Advised that this area is either #3 or #4 on the Sanitary Sewer Project List priorities.
- Advised that there are no upgrades planned for St. Amand Road at this time.

Jack Ryan, Bothe Road

- Believes that the neighbourhood is confused as a result of the old plan for alignment of Bothe Road.
- Would like to see the wetland in the area better maintained.

Jules Dumaine, 3219 St. Amand Road

- Expressed a concern that St. Amand Road will be used as a major roadway.
- Expressed a concern with traffic impacts to the area as a result of the proposal.

Jim Sisler, #18, 860 Lanfranco Road

- Expressed a concern with traffic impacts to the area as a result of the proposal.
- Pointed out that the Agricultural Advisory Committee did not support the rezoning.
- Expressed a concern with the location of the main access to the development.

Staff:

- Addressed the concerns raised regarding the access to the development.
- Confirmed that Bothe Road is in the 20-year plan, but is not currently part of the DCC program.
- Confirmed Bothe Road is designated as a collector road.

Rita Parker, 1358 Ladner Road

- Inquired how the manufactured home park will be managed.
- Expressed a concern that maintenance of the manufactured home park could deteriorate in the future and affect property values in the area.

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

- Addressed the concerns raised by the interveners.
- Believes that the subject property is in a prime location for families as it is close to schools, transit and playgrounds.
- Clarified that the wetland area is quite distance from the subject property.
- Advised that in order to create an emergency access to the site, Bothe Road will be extended to St. Amand Road.
- Confirmed that the property owners are contributing significant funds towards the extension of Bothe Road and the sewer connection to the subject property.
- Advised that the owners would like to list the modular homes for sale in the \$260,000.00 to \$300,000.00 range.
- Confirmed that the main access to the site will be off of KLO Road.
- Advised that all of the traffic and environmental impact studies were conducted based on a 500-unit development.

There were no further comments.

- 3.2 Bylaw No. 10783 - Rezoning Application No. Z12-0059 - Marianne Joy Hill (Ed Guy) - 250 & 260 Lake Avenue - THAT Rezoning Application No. Z12-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Block D, District Lot 14, ODYD Plan 2220, and Lot 5, Block D, District Lot 14, ODYD Plan 2220 located on Lake Avenue, Kelowna, BC from the RU1- Large Lot Housing zone to the RU3- Small Lot 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 be subject to a tree protection plan for the Heritage London Plane tree on the South west corner of the site and the registration of a building envelope covenant;

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

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

- o Letters of Opposition:
 - Ellen Lee Kaiser, 267 Lake Avenue
 - Oneke Montgomery, 238 Lake Avenue
- o Additional Information:
 - Package of additional information as submitted by the Applicant, Ed Guy, 260 Lake Avenue, including additional documents which the Applicant expects to make reference to during his presentation, a consolidation of documents produced in response to issues raised since the purchase of the properties in March 2012 and an application for permit to build dated 1939.
 - A package of form letters of support from 78 owners/occupants of the surrounding properties.

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

Ed Guy, 1752 Dutchess Avenue, Vancouver, BC, Applicant

- Advised that he is speaking on behalf of the property owner, his daughter, Marianne Hill.
- Displayed photos of the subject properties.
- Advised that he revised his presentation to include the topics that Council inquired about during the initial consideration of the subject application.
- Displayed photos of the neighbourhood.
- Believes that the views from Maple Street will not be impacted by the proposal.
- In order to restore the heritage home, the adjoining lot needs to be redeveloped.
- The new residence being proposed will be 2,586 square feet in size and will look similar to the homes on Maple Street.
- Believes that the proposed new residence fits the form and character of neighbourhood.
- Advised that his daughter would be willing register a Building Footprint Covenant as proposed by staff.

Gallery:

Ron McClean, 1850 Abbott Street

- Speaking on behalf of FRACHAS.
- Opposed to the rezoning and prefers that the RU1 zone remain.

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- Believes that the property is located within the 'heart' of the Abbott Street Conservation Area and should not be developed.
- Responded to questions from Council.

Wayne Dods, 420 Christleton Avenue

- Speaking on behalf of KSAN.
- Believes that the proposed new residence will impact the Maple Street view.
- Maple Street is a unique street in Kelowna and needs to be preserved.
- Expressed a concern that the new residence will not have the same setbacks as the current properties along Maple Street.
- Opposed to the rezoning as a result of the impact to Maple Street.
- Responded to questions from Council.

Staff:

- Confirmed that the challenges with the property are site-specific.

Ed Guy, 1752 Dutchess Avenue, Vancouver, BC, Applicant

- Addressed the concerns raised by the interveners.
- Advised that his daughter originally wanted to redevelop the site under the RU1 zone; however, City staff advised that it was not achievable and that a rezoning would be required.
- Advised that if the rezoning is not granted, the heritage home cannot be preserved.

There were no further comments.

- 3.3 Bylaw No. 10784 - Text Amendment Application No. TA12-0011 - City of Kelowna - THAT Zoning Bylaw Text Amendment No. TA12-0011 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in Schedule 'A' of the Report of the Land Use Management Department dated November 8, 2012 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA12-0011 be forwarded to a Public Hearing for further consideration.

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

- o Letter of Support:
 - Trish Balaberde, 105-1947 Underhill Street

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

Gallery:

Trish Balaberde, 105-1947 Underhill Street

- Supports the text amendment.

There were no further comments.

- 3.4 Bylaw No. 10785 - Rezoning Application No. Z12-0067 - John Hodges - 3563 Scott Road - THAT Rezoning Application No. Z12-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot, 134, ODYD, Plan 20399, located on 3563 Scott Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a PLR for the proposed subdivision.

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.

Gallery:

Brendon Burgess, 3540 Scott Road

- Advised that he is interested in purchasing the property from Mr. Hodges and canvassed the neighbourhood in order to obtain support for the rezoning.

Staff:

- Confirmed that the rezoning is to the RU2 zone. Should the applicant wish to construct a carriage home, the property would have to be rezoned to the RU2c zone.
- Clarified that the application includes a two (2) lot subdivision.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:17 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk