

Public HearingNovember 27, 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, November 27th, 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; 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 November 9, 2012 and by being placed in the Kelowna Capital News issues of November 16, 2012 and November 20, 2012, and by sending out or otherwise delivering 964 letters to the owners and occupiers of surrounding properties between November 9, 2012 and November 16, 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. 10471 (Z09-0062) - 0775362 BC Ltd. - (W of) South Perimeter Way - THAT Bylaw No. 10471 be amended after first reading by deleting Section 1 that reads: "1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot A, Section 23, Township 28, SDYD, Plan KAP89051, located on (W of) South Perimeter Way, Kelowna BC from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone and the P3 - Parks and Open Space zone as per Map "A" attached to and forming part of this Bylaw." and replacing it with: "1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot A, Section 23, Township 28, SDYD, Plan KAP89051, located on (W of) South Perimeter Way, Kelowna, BC from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone, RR1 - Rural Residential 1 zone and the P3 - Parks and Open Space zone as per Map "A" attached to and forming part of this Bylaw."

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

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- Additional Information:
 - Package of additional information from previous the Public Hearing including Council Resolution and correspondence received during the notification period.
- Letter of Inquiry:
 - Marty Grealish, 298 Stellar Drive
- Letters of Opposition:
 - J. Dale Henry, 5416 Tanager Court
 - Jonathan Wingham, 305 Tanager Drive
 - Murat Kaynak, 374 Quilchena Drive
 - David & Cheryl Ferguson, 5422 Tanager Court
- Letter of Concern:
 - Marc Brillinger, 325 Phoebe Court

Staff:

- Responded to questions from Council with respect to the proposed Zoning Plan layout for the subject development.

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

Gary Tebbutt, Applicant's Representative

- Displayed the Keystone Heights Proposed Zoning Plan and addressed some of the concerns raised by the neighbours at the previous Public Hearing.
- Advised that he has a signed Agreement with St. Hubertus Winery to consolidate a portion of the subject property with St. Hubertus' property for a vineyard and inclusion in the Agricultural Land Reserve.
- Displayed layouts of the proposed cul-de-sac and addressed some of the concerns raised by the adjacent landowners. The building envelopes have been adjusted with setbacks to help preserve trees, view corridors and privacy.
- A Section 219 Restrictive Covenant, to restrict the type of structure that could be built on the lots, is being proposed for the "Phase 2" areas, including a cul-de-sac.
- Advised that approximately 70% of the land in the development has been designated as parkland.
- Addressed the concerns raised with respect to parking and access to the parkland pathways.
- Confirmed that he has not taken any steps to restrict past and current access to the property by the public.
- Responded to questions from Council.
- Believes that the public pathways are not impacted by the proposal.
- Confirmed that the development will be adding a corner parcel to Lot 27, at no expense to the landowner, in order to accommodate private access to the parkland by the property owner through a gate.

Staff:

- Responded to questions from Council regarding the Official Community Plan designation of the subject properties.
- Since 2000, the area has been designated as low density, single-family residential.

Gallery:David Ferguson, 5422 Tanager Court

- Advised that he owns Lot 12.
- Specifically opposed to the rezoning of Lots 21-24.
- Unsure as to the nature of the side yard setbacks and requested more information.
- Believed that the area that comprises Lots 21-24 was not to be developed.

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- Would like the trees preserved.
- Currently has access to the area through his rear-yard with a gate and would like to have the access remain intact.
- Would be in favour of a right-of-way for access from his property to the development.
- As a result of discussions with the neighbourhood, he believed that the area of Lots 21-24 were not to be developed and were shown on the City's Official Community Plan as green space.
- Advised that he purchased his property earlier this year.
- Would prefer to leave Lots 21-24 as green space and parkland.
- Expressed a concern that his view may be blocked as a result of developing Lots 21-24.
- Responded to questions to Council.

Dave Engelsjord, 5410 Tanager Court

- Advised that he owns Lot 10.
- Advised that the owners of Lot 13, 27 & 28 are all in agreement with Mr. Ferguson's letter.
- Disagrees with staff that the area of Lots 21-24 was designated in the Official Community Plan as single-family residential.
- Believes that when he purchased his property in 2006, the area was designated as park and green space and that the City had no interest in developing the area. Based on that information, he purchased his property.
- Opposed to the rezoning and development of Lots 21-24.
- Expressed a concern that the development of Lots 21-24 will significantly impact the privacy of his property.
- Have had several neighbourhood meetings in which the neighbourhood had understood that Lots 21-24 would never be developed and were to remain as green space and parkland.

Jonathan Wingham, 305 Tanager Court

- Advised that he owns Lot 27.
- Opposed to the rezoning and development of Lots 21-24 as the proposal will block his view.
- Believes that the Official Community Plan that he was shown on the City website, up until a year ago, showed parkland abutting his property and did not show any designation for single-family residential.

Staff:

- Advised that the subject area was subdivided under a Land Use Contract.

Steve Harris, 349 Tanager Drive

- Advised that he owns Lot 7.
- When he purchased his property back in 2007, as part of due diligence, he researched the potential development of the adjoining property. At that time, he was advised that there was a potential for development behind his property and was expressly told that there was a potential for the properties around the cul-de-sac (Lots 21-24) to be developed in the future.
- Confirmed that he has met with the developer several times regarding this proposal.
- In favour of the proposed rezoning.

Diane Kamoschinski, 5428 Tanager Court

- Advised that she owns Lot 13.
- Believes that she will be greatly impacted by the proposed development and she is under the impression that there will now be retaining walls abutting her property.
- Purchased her property in 1988 and was advised by Doug Spirling that it is likely that the property behind her wouldn't be developed.
- Previously wrote to Council regarding parking issues and partying concerns in the area.
- Expressed a concern with parking in order to access the green space.
- Responded to questions from Council.

George Kamoschinski, 5428 Tanager Court

- Expressed a concern with the slope of the area and the proposed retaining wall that will be abutting his property.
- Responded to questions from Council.

Cheryl Ferguson, 5422 Tanager Court

- Expressed a concern with the proposed parking area for the parkland and trails.
- Responded to questions from Council.

Marc Brillinger, 325 Phoebe Court

- Advised that in 2001, he was made aware that there could potentially be single-family home development on the subject site.
- Suggested that the property be developed similar to the Kettle Valley development in the area by preserving natural buffers between neighbourhoods.

Steve Perry, 5506 Lee Lane

- Advised that when he purchased his property, he was told by his developer that the subject property would not be developed and would remain as parkland.
- Expressed a concern that the ravine on the site is being filled in.
- Advised that the Kettle Valley neighbourhood generally comes and parks behind his property in order to access the park in that area.
- Believes that the park access at the bottom of the site is too steep and therefore people rarely use that access.
- Expressed a concern with parking and access for the proposed parkland.
- Expressed a concern with development of Lots 21-24.
- Believes that the City and/or development need to provide proper parking some distance from the existing residences.
- Responded to questions from Council.
- In favour of the dedication of the parkland being proposed by the developer.

Iveta Cernansky, 5510 Lee Lane

- Expressed a concern with the lack of parking for the parkland area.

John Link, 5392 Tanager Court

- Advised that he owns Lot 7 and that he is a daily user of the trails and pathways in the area.
- Was in front of Council in 2007 to express his interest in the dedication of the parkland.
- Confirmed that the developer has been working with the neighbourhood in order to mitigate any the concerns.
- Advised that when he purchased his property, he was made aware that the subject property would eventually be developed.
- Expressed a concern about the lack of parking for the green space.
- Generally in favour of the proposed rezoning.

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Jonathan Wingham, 305 Tanager Court

- Displayed a copy of the Official Community Plan map that he was provided when he purchased his property.

Gary Tebbutt, Applicant's Representative

- Addressed the concerns raised by the interveners.
- Advised that a walkway behind Lots 12, 13 & 27 was originally proposed for the development, however the plans were changed to preserve the privacy of the residences. Direct access is now being planned off of the cul-de-sac.
- Advised that there is a plateau in the area that could be used by the City as dedicated parking for the parkland.
- Confirmed that the subject property is actually private property but he has allowed the public to access the site over the years.
- Responded to questions from Council.
- Confirmed that the topography has been taken into account in the cul-de-sac area.
- Addressed the concerns raised regarding any potential retaining wall. Because there will not be any pathway behind Lot 13, a retaining wall may no longer be required.
- Advised that the rear yard setback in the cul-de-sac area will be 10m and should therefore help mitigate any privacy concerns.

Staff:

- Displayed a map indicating the City-owned land in the area.

There were no further comments.

- 3.2 Bylaw No. 10778 (Z12-0061) - Sharon Walker - 424 Park Avenue - THAT Rezoning Application No. Z12-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 14, ODYD Plan 3878, located on Park Avenue, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1c- Large Lot Housing with Carriage House 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 in conjunction with Council's consideration of a Heritage Alteration Permit on the subject property.

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 to add to staff's comments. No one came forward.

- 3.3 Bylaw No. 10779 (Z12-0063) - Kamalpreet & Gurdev Gill (Gurdev Gill) - 835 Solly Court - THAT Rezoning Application No. Z12-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 26, Township 26, ODYD, Plan 20566, located on 835 Solly Court, 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 requirements of the Development Engineering Branch being completed to their satisfaction.

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

- o Letter of Opposition:
 - Art & Elaine Penny, 880 Solly Court

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, Applicant's Representative

- Advised that he has hired to represent the property owner and that he doesn't have anything further to add to staff's comments at this time.

Jen Nethercote, 840 Solly Court

- Advised that she purchased in the area in 2002 because it is single-family homes and is close to schools.
- Opposed to splitting the property into three (3) lots. Would prefer only two (2) lots.
- Advised that there are two (2) group homes on Solly Court.
- Expressed a concern that the proposal will change the look of the street.
- Expressed a concern with parking, traffic and pedestrian safety.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding the width of the proposed RU2 lots.

Pauline Williams, 830 Solly Court

- Has lived on Solly Court for the past 17 years.
- Likes the quiet street.
- Opposed to the proposal as she believes it will completely change the footprint of the neighbourhood.
- Expressed a concern with traffic and parking.
- Advised that she lives next door to a Group home and that at any given time of the day, there are at least 5-6 vehicles parked at the end of the cul-de-sac.
- Opposed to the rezoning.
- Would not be opposed to two (2) lots as long the structures are in keeping with the footprint of the neighbourhood.

Staff:

- Responded to questions from Council regarding the parking concerns in the area.
- Clarified the regulations for Group Homes and confirmed that the Group Home - Minor use is permitted in the current zone for the area.
- Responded to questions from Council regarding the width of the proposed lots.
- Advised that the property owner will have to upgrade the road frontage.
- Clarified the lot width in the RU1 zone vs. the RU2 zone.

Romain Gintrand, 865 Solly Court

- Not opposed to a two (2) lot proposal, but is opposed to the three (3) lot proposal.
- Expressed a concern with traffic, parking and pedestrian safety.

Staff:

- Confirmed that the new secondary suite regulations apply to the RU2 zone.

Grant Maddock, Applicant's Representative

- Advised that the owners are looking to provide affordable housing based on the location of the property to amenities.
- Solly Court is a 20m wide right of way. The new curb and gutter would still be a fair distance from the property line due to the 20m width and as a result there will be ample room for a 2 car garage with additional parking on site,
- The existing zone as it is today would allow the property owners to create two (2) lots.
- The owners want to keep the units small in order to address affordability issues.
- Responded to questions from Council.
- Confirmed that the proposed residences will be constructed and put up for sale.
- Advised that the owners did not speak with the neighbourhood given that there was only one letter of opposition submitted for the application.
- Advised that the owners are planning on constructing three (3) single-family homes without suites.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:38 p.m.

Certified Correct:

Mayor

SLH/dld

Deedham

Deputy City Clerk

Regular MeetingNovember 27, 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, November 27th, 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*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:47 p.m.

2. PRAYER

2. A Prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

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Moved by Councillor Basran/Seconded by Councillor Zimmermann

R1045/12/11/27 THAT the Minutes of the Regular Meeting of November 13, 2012 and the Minutes of the Public Hearing of November 13, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10471 (Z09-0062) - 0775362 BC Ltd. - (W of) South Perimeter Way

Council:

- Requested that staff investigate parking on the City-owned property in the trailhead area.

Moved by Councillor Stack/Seconded by Councillor Given

R1046/12/11/27 THAT Bylaw No. 10471 be read a second and third time.

Carried

4.2 Bylaw No. 10778 (Z12-0061) - Sharon Walker - 424 Park Avenue

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R1047/12/11/27 THAT Bylaw No. 10778 be read a second and third time.

Carried

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- 4.3 Bylaw No. 10779 (Z12-0063) - Kamalpreet & Gurdev Gill (Gurdev Gill) - 835 Solly Court

Moved by Councillor Singh/Seconded by Councillor Hobson

R1048/12/11/27 THAT Bylaw No. 10779 be read a second and third time.

Carried

Councillors Blanleil, DeHart, Hobson and Zimmermann - Opposed.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R1049/12/11/27 THAT staff report back to Council with options related to setting minimum lot widths for the RU2 and RU3 zones in order to qualify under the new secondary suite regulations.

Carried

5. THE 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 402 letters to the owners and occupiers of the surrounding properties between November 9, 2012 and November 16, 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.

This meeting 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.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Land Use Management Department, dated November 2, 2012 re: Development Variance Permit Application No. DVP12-0183 - Montague Holdings Ltd. (Alfred Horie Construction Co. Ltd.) - 2610 Enterprise Way 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 the following correspondence and/or petitions had been received:

- o Letter of Opposition:
 - William Peitsch, Peitsch Investments Ltd., 4-1345 Industrial Road

Mayor Gray to invite anyone in the public gallery who deemed themselves affected by the application to come forward. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1050/12/11/27 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0183, for That Part Lot B Lying South of the Right of Ways As Shown on Plan 2042, District Lot 125, ODYD, Plan 2042 Except: (1) Part Outlined in Red on Plan B5087 (2) Plans 9963, 12572, 20426, 21777 and KAP72758, located on 2610 Enterprise Way, Kelowna, BC;

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

Section 7.6.9(c): Minimum Landscape Buffers

To vary the minimum landscape buffer for industrial zone properties located adjacent to non-industrial zone properties from Level 3 required to Level 1 proposed;

Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule

To vary the minimum landscape buffer for the front yard of a property zoned I2 from Level 2 required to Level 1 proposed;

Section 15.2.5(d): Development Regulations

To vary the minimum front yard setback from 7.5m required to 0.3m proposed;

Table 8.1: Parking Schedule

To vary the minimum off-street parking requirement from 28 permitted to 18 proposed.

Carried

- 6.2 Land Use Management Department, dated November 2, 2012 re: Development Variance Permit Application No. DVP12-0184 - AJ Wiens Development Group Ltd. (Alf Wiens) - 2160 Burnett Street 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 to invite anyone in the public gallery who deemed themselves affected by the application to come forward. The Applicant was present, but did not have anything further to add to Staff's comments. No one came forward.

Moved by Councillor Blanteil/Seconded by Councillor Zimmermann

R1051/12/11/27 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0184 for Lot 12, Section 19, Township 26, ODYD, Plan 11811, located at 2160 Burnett Street, Kelowna, BC;

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

Section 13.6.6(a): Development Regulations

To vary the maximum building site coverage from 40% permitted to 44% proposed, and the maximum building site coverage including driveways and parking areas from 50% permitted to 54% proposed (as per Schedule A).

Carried

7. REMINDERS - Nil.

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8. TERMINATION

The meeting was declared terminated at 9:22 p.m.

Certified Correct:

Mayor

Seedham

Deputy City Clerk

SLH/dld

DRAFT