

**REPORT OF THE PUBLIC HEARING HELD ON THURSDAY, OCTOBER 7, 2010
AT 5:00 PM IN COUNCIL CHAMBERS TO HEAR REPRESENTATION RELATIVE TO
PROPOSED AMENDMENTS TO THE ZONING BYLAW**

PRESENT:

Council: Mayor McRae (Chair)
Councillor Chopra
Councillor Douglas
Councillor McLeman
Councillor Patterson
Councillor Solda
Councillor Whiteman

City Staff: Ken Watson, City Manager
Russell Dyson, City Clerk
Scott Smith, City Planner

Members of the Public: 15

The Chair explained the Public Hearing procedures for the meeting.

1. Description of the Application

The City Clerk provided a summary of the application:

B. and G. Lehner are applying for an amendment to the Zoning Bylaw to rezone 2201 - 11th Avenue from FD – Future Development District to R3 – Small Lot Single Family Residential District to facilitate an application for a subdivision.

The proposed bylaw is "Zoning Amendment No. 84 (2201 - 11th Avenue - Lehner), Bylaw No. 4754".

2. Background Information from the City Planner

The City Planner provided background information regarding the proposed amendment by way of summarizing his report of September 27, 2010, attached hereto and forming part of this report.

3. Correspondence

Email from Gord Bonar dated September 18, 2010 and letter from Bob and Jane Pfannenschmidt dated September 22, 2010 attached to a forming part of this report.

4. Input from the Public regarding the Bylaws

Jim McManus, representing the applicant, described the property, the current and proposed zoning. The purpose of the application is to designate the property R3 for single family dwellings. The concept plan submitted by the applicant is not under consideration. Consideration is to be given to whether the R3 zone is appropriate to the area. The subject property has challenges, including slope and adjacent land use, but none are show stoppers.

He referred to concerns expressed by neighbours to date, none oppose single family dwelling, the concern is in regard to the lot size. Given site configuration this should not be a concern. There is little difference between R1 and R3 zones.

This development will not have a negative impact to the neighbours. Access issues, services and layout must be addressed through the subdivision process. The proposal has support of the Planning Department and it will result in more tax revenues for the City.

In summary, the proposal meets the Official Community Plan objectives, it will not be a negative impact on neighbours, details of the subdivision will be addressed through the subdivision process. Mr. McManus requested that Council endorse the bylaw amendment. He provided notes from his presentation, which are attached to and form part of this report.

Jim Versteeg, 2212 Anderson, referred to the proposed RV parking from the concept plan. He does not want to look at a campsite from his property, The City Manager stated the sketch plan is only a draft and the final subdivision will be different.

Boris Lehner, applicant, stated the plan is only a concept to show how lots could be aligned. The common area could be used for other purposes such as a green belt area

Dave Osborne, 2292 Anderson Avenue, said the proposal is too vague, nothing concrete is presented. Asked that the applicant provide more detail before bylaw is passed.

Kevin Dorn, 2211 11th Avenue, zoning is not the problem, wants a new concept plan. It is the layout, a strata development and access to his garage that are his concerns.

Gord Bonar, 2275 11th Avenue, asked if the Advisory Planning Committee did not support the proposal then why is the City considering this. The Mayor stated that the Advisory Planning Committee only provided recommendations.

Mr. Bonar disagreed with Mr. McManus' statement. The design disregards the neighbourhood. Design is important. He referred to the letter of objection previously submitted and encouraged Council to deny the application. He referred to purpose of the R3 zone from the Zoning Bylaw. Small lots do not exist in this area. He asked Council to consider the purpose as stated in the bylaw. He is opposed to R3, wants to keep the neighbourhood R1.

Dan Weiers, 2259 11th Avenue, asked why the concept plan was not changed when the Advisory Planning Commission was concerned. He stated an Engineering study should have been done. The application should not be at the Public Hearing stage.

Steven Dryburgh, 2170 Anderson, referred to lots that gave up land for the possible extension of 12th Avenue. The City Clerk commented that the subject land is not dedicated as road and there is nothing on title to secure the past intent.

Mr. Weiers referred to the Advisory Planning Committee meeting at which the RCMP were in attendance and the concern for emergency vehicle access.

Mr. Haracka, owner of land to the immediate north, suggested that the land could revert to the previous owners previously given up for 12th Avenue. Mr. Haracka is not opposed to changing land to R3, owns land to the north and would also apply for the R3 zone for his property.

Ray Calleweart, 2272 Anderson, talked about the extension of 12th Avenue.

Ron Gray, Sutton Group Realty, commented on the potential market for the development and stated that the proposal would be a good thing for the City.

Mr. McManus stated that the engineering and infrastructure needed for this development depend on certainty of the zoning category that will be acceptable to Council. The question is straight forward and the use requested is for single family dwellings.

5. Late Correspondence Regarding the Matter

Email from Larry and Janice Cross dated October 3, 2010, was read by the City Clerk. It is attached to and forms part of this report.

6. Questions from Council:

Councillor Chopra asked for more information in general.

Councillor McLeman asked about the minimum lot size for the R1 and R3 zone. The City Planner advised that R1 lot size is a minimum 60' lot frontage and minimum lot area of 7,200 square feet, R3 is a minimum lot frontage of 39.4' and a minimum lot area of 4,520 square feet.

Councillor Solda inquired about access issues and subdivision. The City Planner outlined the considerations to be given by the Approving Officer.

Councillor Whiteman inquired if the land is currently used informally for public access. Yes, was the answer from a number of residents in attendance.

Councillor Douglas asked about the general purpose statement of the zoning bylaw. The City Planner said it was not specific, it does not require lots of similar size adjacent to it. He indicated there is a variety of lot sizes in this area.

Councillor McLeman asked if the solid red line on the map referred to the property line. The City Planner advised that it did.

In response to a question, the City Planner advised the subdivision could be bare land strata or conventional subdivision.

Boris Lehner, applicant, advised he initially looked at bare land strata. He does not yet know how the development will proceed without additional engineering being completed.

Councillor McLeman asked if the City can dictate minimum lot size. The City Planner advised that zoning dictates the lot size.

Councillor Chopra inquired about the process. The City Clerk advised the bylaw is to be considered at the Council meeting on Tuesday, October 12. It could be given third reading, the application denied or a request for additional information and another public hearing held.

Councillor Solda asked why the Advisory Planning Commission objected to the application. The City Planner stated the minutes of their meeting is the official record.

7. Calling for any Further Input:

The Chair asked for any further input from the public.

Mr. Haracka proposed that the City talk to former City Manager, Jim Sawyer, about the extension of 12th Avenue.

The Chair called a second time for input. There was none.

The Chair asked for input for a third and final time. There was none.

8. Closing Remarks by the Chair:

The Chair made closing remarks on the matters of the public hearing.

Moved by Councillor Solda, seconded by Councillor Douglas , that this Public Hearing terminate at 6:00 pm.

Carried

Pursuant to Section 890 of the *Local Government Act*, I hereby certify the foregoing to be a fair and accurate summary of the representations made at the Public Hearing held October 7, 2010 regarding:

- "Zoning Amendment No. 84 (2201 11th Avenue - Lehner), Bylaw No. 4754".

Russell Dyson,
City Clerk