

Public HearingMay 4, 1999

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 4, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, M.I. Bremner, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Leask, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Acting-Current Planning Manager, A. Bruce; Long Range Planning Manager, L.V. Foster; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) 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 April 16, 1999, and by being placed in the Kelowna Daily Courier issues of April 26 and 27, 1999, and in the Kelowna Capital News issue of April 25, 1999, and by sending out or otherwise delivering 316 letters to the owners and occupiers of surrounding properties between April 15 and 17, 1999.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8399 – Kelowna Official Community Plan Amendment No. OCP99-001 (Amendment to Dock Regulations) – THAT Schedule "A" of Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by adding Policies No. .42, .43, and .44 to **Section 2.29 Lake Okanagan Shore Zone Policies of Chapter 2 Environment** as follows:

- .42 **Easements for Shared Docks.** Support applications for shared docks only where access easements are registered on properties formally sharing a dock to ensure that all the properties participating in the shared dock have legal access to that dock;
- .43 **Limitation on Private Dock Construction.** Support applications for private docks off of properties that are involved in a shared dock project only where the tenure of the shared dock has expired or where the shared dock is made compliant with private dock regulations;
- .44 **Multiple Family Shared Docks off Shore Zone Routes of Access.** Consider property owners' requests for a shared dock (but not a private dock) located off of lakefront route of access dedications provided that the applicant is an owner or strata council of a multiple family project located immediately upland from the lakeshore dedication and provided that the applicant has lost riparian rights as a result of dedicating a shore zone route of access required in OCP Policy 2.29.3. This policy should not be interpreted to allow private docks off of public beach access points such as roads, road ends, public parks, etc."

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Mayor Gray advised that this item and the next item on the agenda would be presented together as they both relate to the proposed shared dock regulations.

The Long Range Planning Manager used slides displayed on the overhead projector to assist with presentation of the proposed amendments which reflect Shared Dock Guidelines that were endorsed by Council in February 1999. The amendments proposed by the subject bylaw are intended to ensure that the parties sharing a dock on someone else's property have legal access to the shared dock; to preclude property owners from building a private dock off a property which is involved in a shared dock facility; and to allow for shared docks off multi-family zoned properties that have lost riparian rights as a result of access dedications. The amendment proposed by the next bylaw on the agenda would amend the City's Zoning Bylaw to allow shared docks to be built within the City of Kelowna with the approval of the Ministry of Environment, Lands & Parks.

The City Clerk advised that no correspondence was received as a result of advertising for the public hearing on this item. However, the following correspondence was received by the Long Range Planner in response to his request for public input:

- letter dated January 29, 1999 from Lois Butler, 3858 Truswell Road

The City Clerk advised that the above correspondence was circulated to Council with the initial report on this application and recirculated as a late item for this Public Hearing.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

A member of Council commented that property owners entering into a shared dock situation need to be aware that they will be obliged to share the dock in perpetuity and that they should likely enter into a written contract spelling out what would be expected of all parties for dealing with maintenance of the wharf, renewal of the dock permit, etc.

The Long Range Planning Manager confirmed that to terminate a shared dock use, it would be necessary for all parties to agree to dismantle the wharf and to advise Kamloops that the structure had been removed. He also advised that the concerns raised in the correspondence received from Mrs. Butler were directed toward the possible environmental impact (i.e. restricting the flow of water) when docks are built improperly. She makes legitimate points and the guidelines respect those environmental concerns. The dock referred to in her letter has subsequently been approved by Kamloops.

There were no further comments.

- (b) Bylaw No. 8400 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-002 (Amendment to Dock Regulations) – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by replacing the first paragraph of **Sub-section 9.9.5 of Section 9 – Specific Use Regulations** with the following:

"Moorage facilities consisting of docks shall be permitted if developed consistently with the following regulations or as approved by the Ministry of Environment, Lands and Parks:"

See discussion under 3(a) above.

- (c) Bylaw No. 8390 (Z99-1008) – British Columbia Preserve Company Ltd. (New Town Planning) – 8038 Highway 97 North - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 17, Sec. 34, Twp. 23, O.D.Y.D., Plan 500 Except Plans 19420 and 44031, located on Highway 97 North, Kelowna, B.C., from the C1 – Local Commercial zone to the A1 – Agricultural 1 zone.

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the applicant is proposing the development of a jam processing factory to be operated in conjunction with a demonstration orchard. The development would also include associated retail uses including a tea room and orchard museum as well as office and storage space. The Agricultural Land Commission has approved the proposal, conditional on the applicant planting the demonstration orchard within 3 years of the approval. The site is currently vacant.

The Acting-Current Planning Manager showed conceptual plans indicating a covered outdoor patio off a one-storey building and showing how the indoor space would be allocated. He noted the applicant's intent is to attract bus tours to the site. The Ministry of Transportation and Highways (MOTH) have approved the proposed access as the only access to the site from Highway 97, with turning movements restricted to right-in and right-out only. The applicant would be required to post a No Left Turn sign on the property for vehicles exiting the site. MOTH is taking a wait-and-see-approach to whether a centre median will be required.

The Acting-Current Planning Manager advised a Development Variance Permit would be required to increase the size of the sales area for product that is produced off-site. The Advisory Planning Commission has reviewed the proposal and recommends support of the application, as do staff.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Mr. Keith Funk, applicant, showed a photo of the site as it exists and spoke briefly on the cultural tourism value of the proposal.

There were no further comments.

- (d) Bylaw No. 8392 (Z99-1001) and OCP Amendment No. OCP99-002 – Petro Canada Inc. (Eric Fefer) – 735 Harvey Avenue - THAT the Future Land Use Designation on Map 15.1 of the City of Kelowna Official Community Plan for Lot 1, D.L. 139, O.D.Y.D., Plan 3784, located on Harvey Avenue, Kelowna, B.C., be changed from Multiple Family Residential – Medium Density to Commercial.

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L. 139, O.D.Y.D., Plan 3784, located on Harvey Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the C4 – Town Centre Commercial zone.

The Acting-Current Planning Manager indicated the property on a map displayed on the overhead projector and advised that Petro Canada is proposing to consolidate the property with their existing corner site for redevelopment as a new Gas Bar with

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4 pump islands and a new larger convenience store. The lane between the properties would also be closed and consolidated with the site in exchange for a road widening on Richter Street. The application was reviewed and supported by the Advisory Planning Commission subject to suggestions that have resulted in several revisions to the site plan. A Development Variance Permit would also be required to address the signage that is proposed.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Mr. Eric Fefer, applicant, spoke on the benefits that would be realized through the proposed redevelopment of the site including landscaping improvements and a cleaner, safer environment for the customers. He also noted the number of employees at the facility would be increased from 3 full time employees to 6.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:35 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am