

Public HearingApril 10, 2001

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, April 10, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor R.D. Cannan.

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

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 "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 March 22, 2001, and by being placed in the Kelowna Daily Courier issues of April 2 & 3, 2001, and in the Kelowna Capital News issue of April 1, 2001, and by sending out or otherwise delivering 61 letters to the owners and occupiers of surrounding properties between March 21 & 23, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8655 (Z01-1013) - Donna Watson – 400 Hollywood Road South - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 21, Sec. 22, Twp. 26, O.D.Y.D., Plan 19846, located on Hollywood Road S., Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

Staff:

- The rezoning would permit the continuing use of an existing suite in the lower floor of the dwelling unit.
- The applicant submitted information with the initial application to indicate that there is a good level of support in the neighbourhood for the requested rezoning.

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

- letter from G. Saleski, absentee owner of property at 395 Perth Road, opposing the application because he believes that rezoning could result in loss of long-term character of the neighbourhood and could result in other requests for rezoning being granted.

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

The applicant's representative indicated he had nothing to add at this time.

There were no further comments.

- (b) Bylaw No. 8654 (TA00-003) - To incorporate "housekeeping" amendments into the City of Kelowna Zoning Bylaw No. 8000 as detailed in Schedule "A" attached to the Planning & Development Services Department's report of March 7, 2001, in order to address changes to regulations and inconsistencies between the Zoning Bylaw and other City policies, and to amend the A-1 – Agriculture 1/A1s – Agriculture 1 with Secondary Suite zone as indicated in Schedule "A" attached to the Planning Department's report of March 30, 2001.

Staff:

- The revisions initially presented to Council include changing the definition of all categories of home based businesses to require the owner/operator to have permanent residency (240 days/year); providing for cash-in-lieu of payments for bike stall requirements; and adding flexibility to housing options to allow for 2 or 3 single detached units on a site with multi-family zoning rather than a duplex or triplex.
- An application by Alan Clarke for agri-tourism accommodation on land within the ALR on Union Road, that was supported by City staff and by Council, was recently approved by the Land Reserve Commission (LRC). That approval also said the applicant still had to comply with all local bylaws and regulations and that is why further changes are required to the City's Agriculture 1 Zone.
- The required revisions were added to the subject bylaw at first reading and include increasing the maximum gross floor area for sale of produce produced off-site or of off-farm products to one-third of the total retail area or 100 m² (an increase from 50 m²) for agricultural and garden stands that are within the ALR; retaining the 5 ha minimum lot size with maximum 10 bedrooms, campsites or recreational vehicle pads for agri-tourist accommodation but making it applicable only to lots outside the Agricultural Land Reserve (ALR); and for lots within the ALR reducing the minimum parcel size to 2 ha and restricting the agri-tourist accommodation to no more than 10% site coverage, provided that the agri-tourist accommodation was in compliance with the provisions of the *Agricultural Land Reserve Act* or had specific approval from the LRC.
- Without these amendments to the A1 zone, the applicant would have to apply for commercial zoning.
- Because the agri-tourist amendments were triggered by an application for agri-tourist accommodation on a specific property, City staff sent a courtesy notice to the surrounding property owners to notify them that this text amendment would be considered by Council at this public hearing.

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

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

Jay Walker, Verna Court:

- Concerned that there is no sidewalk for pedestrians and that the additional traffic generated from the Clarke property will be hazardous for children walking to school and to the park in the residential subdivision south of the Clarke property.
- Concerned about the speed of vehicles coming over the crest of the hill creating a hazard for pedestrians on Union Road and for vehicle access/egress to the Clarke property.
- Concerned that the width of Union Road may not be adequate for large RVs turning into and out of the Clarke site.
- Asked that the existing access/egress points to the Clarke property be retained but with access restricted to the easterly gate and egress to the westerly gate and that the gates in the fence be widened from 16 ft. to 20 ft.

Public HearingApril 10, 2001

- A 1.5 m berm was to be provided along the east property line of the Clarke property. Circulated photos of the existing berm and asked for improved screening of the RV pads for the neighbourhood.
- Would not want to see year round parking in the RV lot.
- Council needs to consider the conflict between residential/commercial which is not dealt with this in text amendment as is.

Michelle Rule, vice-president of the North Glenmore Parents Advisory Council (PAC):

- North Glenmore Elementary School borders the Clarke property.
- PAC's concerns are with burning and traffic.
- Mr. Clarke has in the past always advised the school when burning would occur so that the children with asthma can be kept in. Presumably that practise will continue and the applicant has assured PAC there will be no campfires.
- There is no safe place for children to walk along Union Road and speeds are always in excess of the speed limit. The proposed development on the Clarke property will generate more traffic and PAC would like to see a safer way for the children to get to and from school. Suggest that construction of a sidewalk be high on the City's agenda.
- Would also like a pedestrian controlled crosswalk at Wyndham and Union.

Linda Verna, owner of 3 parcels of land on Union Road:

- Advised that one of her lots is zoned commercial, one for an apartment building and one is zoned for a private residential home and that she takes no issue with what Mr. Clarke is proposing and does not think traffic will be an issue.

Matthias Inhoff, Verna Court:

- Concerned that while that there are clear limitations on how much parking and how many RV pads would be permitted on the Clarke property, there are no limitations on the what Mr. Clarke can do to entice people to the site.

The tenant in a cottage located in the Clarke's orchard:

- Has lived in the cottage for 4 years and supports the application.
- It is the encroachment of residential subdivisions into the area that has increased the traffic, not the proposed development.
- The RVs will not be visible from Union Road while there is foliage on the trees.

Alan Clarke, 1980 Union Road:

- The part of the text amendment dealing with agri-tourism accommodation is a result of his proposal to develop a 20-pad RV site, tea room and fruit stand on a 2-acre portion of his farm site.
- The tree fruit industry is facing a hardship and this type of amendment favouring properties within the Agricultural Land Reserve opens the door for other secondary uses in the zoning bylaw.
- A sidewalk is needed on the south side of Union Road.
- Clarified that the existing fence and gates will be removed and replaced with a fence appropriate for an RV park and the gates will be 24 ft. The main entrance will be through the easterly gate, and no exit signs will be posted at the easterly gate along with do not enter signs at the westerly gate.
- Intends to open the RV park around the May long weekend and how long it remains open is tied to the sale of agricultural product. Anticipate that the fruit will run out by the end of the year and expect to be closed through the months of January, February and March each year.

There were no further comments.

Public Hearing

April 10, 2001

4. TERMINATION:

The Hearing was declared terminated at 8:12 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am