

Public HearingAugust 28, 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, August 28, 2001.

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

Council members absent: Councillors B.D. Given and R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; 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 "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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 17, 2001, and by being placed in the Kelowna Daily Courier issues of August 20 & 21, 2001, and in the Kelowna Capital News issue of August 19, 2001, and by sending out or otherwise delivering 632 letters to the owners and occupiers of surrounding properties between August 8 & 10, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8713 (Z01-1032) – Nancy & Lyle Howlett – 4355 June Springs Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 35, Twp. 29, O.D.Y.D. Plan KAP55352, as shown on Map "A", located on June Springs Road, Kelowna, BC., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential zone in order to allow development of the site for uses permitted in the RR1 zone.

Staff:

- The applicant would like to rezone a 1 ha portion of the subject 2 ha parcel to facilitate a subdivision lot line adjustment that would reduce the size of proposed Lot A from 2 ha to 1 ha and increase the size of proposed Lot B from 3 ha to 4 ha. The adjustment would allow the owners of Lot B to expand their equestrian activities onto the more gently sloped portion of Lot A.
- The City Planning Department did not recommend support for the application because the RR1 zoning request is not supported in the policies and objectives of the Official Community Plan or the Southeast Kelowna Sector Plan. The proposed lot line adjustment would, however, meet the subdivision regulations of the RR1 zone for a lot on septic tank disposal when no additional lots are being created.
- The application was supported by the Advisory Planning Commission with no conditions.
- At initial consideration, Council indicated they would consider the rezoning without requiring the removal of an existing single wide mobile home on proposed Lot A. However, although the rezoning could occur without the mobile home having to be removed (it would become a legal non-conforming use), at the subdivision approval stage the mobile home would have to be removed because the Approving Officer cannot adjust the boundary of a lot that has a non-conforming use on it.

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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.

Lyle Howlett, applicant:

- His family has just moved into a new house they had built on the top part of proposed Lot B. A lady he works with is living in the single wide mobile home on proposed Lot A.

Staff:

- There is a B.C. Court of Appeal case that directs Approving Officers to not process this type of application.
- Council could approve the rezoning and create the non-conforming use. The rezoning would not match the property boundary but Mr. Howlett owns both properties. Processing the subdivision application could be deferred until the issue surrounding the mobile home is resolved.

Lyle Howlett, applicant:

- Has a petition of support signed by 14 neighbours on Luxmoore Road but realizes now that approval of this application is more an issue of process rather than support by neighbours.
- The people living in the mobile home are interested in buying proposed Lot A and they would prefer to remain in the mobile home than to have to build a new home at this point.

Staff:

- The singlewide mobile home could remain if an addition was constructed that would allow the home to meet the required standard under the Building Code for a single family dwelling.

There were no further comments.

- (b) Bylaw No. 8714 (Z00-1013) - Vince & Giovannina Magaldi – 2131 Scenic Road – City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Secs. 4 & 9, Twp. 23, O.D.Y.D., Plan KAP61644, located on Scenic Road, Kelowna, B.C., from the A1 – Agricultural 1 (LUC78-1009) zone to the RM3 – Low Density Multiple Housing zone in order to allow development of the site for uses permitted in the RM3 zone;

AND THAT Land Use Contract No. 78-1009 (Bylaw No. 4663-78) be quit claimed from Lot A, Secs. 4 & 9, Twp. 23, O.D.Y.D., Plan KAP61644.

Staff:

- The property is within an area covered by a Land Use Contract and abuts onto a future Glenmore Bypass road dedication to the west.
- The rezoning was given unconditional support by the Advisory Planning Commission when the application was originally submitted in 1997.
- Conceptual plans submitted by the applicant demonstrate that the site can be developed under the requested zone; however, no Development Permit application has been submitted to date.
- The applicant prefers not to submit a Development Permit application until the rezoning is at 3<sup>rd</sup> reading as he may choose to sell the property. Adoption of the zone amending bylaw would be concurrent with Council consideration of a Development Permit application for the property.

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

- letter from Peter & Bernice Sebastian, 2160 Scenic Road, expressing concern that rental housing could bring increased vandalism and theft and asking that the developer be required to supply their property with a fence to protect it from vandalism and theft of produce.

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

Staff:

- The property at 2160 Scenic Road is across the road from the subject property.

Vince Magaldi, applicant:

- Does not think he should have to supply the neighbours with a fence but would if he had to.

There were no further comments.

- (c) Bylaw No. 8715 (Z01-1029) – Pacific Sun Enterprises Ltd. (David Kornell) – 1859/1879, 1889 Chandler Street and 1450 Sutherland Avenue – THAT Map 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for Lots 39, 41 and 42, D.L. 137, ODYD, Plan 10011, located on Chandler Street, Kelowna, B.C., from “Medium Density Multiple Family Residential” to “Education/Major Institutional”;

AND THAT Map 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for Lot A, D.L. 137, ODYD, Plan 10512, located on Sutherland Avenue, Kelowna, B.C., from “Commercial” to “Education/Major Institutional”;

AND FURTHER THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 39, 41 and 42, D.L. 137, ODYD, Plan 10011, located on Chandler Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the P1 – Major Institutional zone in order to allow development of the site for uses permitted in the P1 zone.

Staff:

- The rezoning is requested to facilitate expansion of Still Waters Rest Home which is also being renovated.
- The 3 lots on Chandler are not contiguous. The 2 southerly lots are proposed to be developed with new care units. A single lot separates these 2 lots from the northerly lot that the applicant intends to use for parking and access to the rear of the development.
- The applicant was unable to purchase the isolated lot and it is now developed with a type of group home.
- The applicant is aware that a Natural Environment/Hazardous Conditions Development Permit would be required to address impacts on Mill Creek.
- The Advisory Planning Commission reviewed and supported the application with no conditions.

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

- Letter from James Cote, 1330 Belaire Avenue, expressing concern about increased crime, noise and traffic as a result of this development.

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

David Kornell, applicant:

- Commented that he was not sure if the letter was in support or in opposition to the rezoning application.

There were no further comments.

- (d) Bylaw No. 8716 (Z00-1042) – T172 Enterprises Ltd. – 2678 Highway 97 North – THAT Map 15.1 of City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for Lot 2, D.L. 125, ODYD, Plan 7319 except Plan 12318, located on Highway 97, Kelowna, BC, from Industrial to Commercial;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 125, ODYD, Plan 7319 except Plan 12318, located on Highway 97, Kelowna, BC, from the A1 – Agriculture One zone to the C10 – Service Commercial zone in order to allow development of the site for uses permitted in the C10 zone.

Staff:

- The applicant is proposing to use the property for a car sales lot and intends to renovate the existing single family dwelling on the site to accommodate the automotive sales office.
- A variance would be required to allow for a reduced lot width.
- The Advisory Planning Commission reviewed and supported the application with a suggestion to provide a right-in/right-out turning lane but at this time there is no contemplation of a dedicated turning lane in or out of this property.
- The Ministry of Transportation requires registration of a covenant that states that at such time as alternate access comes available the site would no longer have direct access onto Highway 97.

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.

Jim Langley, applicant:

- The site would be developed to accommodate the future change in access.
- The owner is a small businessman and cannot afford to leave the property vacant another year while a decision is made on the road issue.

There were no further comments.

#### 4. TERMINATION:

The Hearing was declared terminated at 7:42 p.m.

Certified Correct:

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Mayor

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City Clerk

BLH/am