

Public HearingApril 16, 2002

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 16, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day*, B.D. Given, R.D. Hobson, 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; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; 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 "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 March 28, 2002, and by being placed in the Kelowna Daily Courier issues of April 8 & 9, 2002, and in the Kelowna Capital News issue of April 7, 2002, and by sending out or otherwise delivering 82 letters to the owners and occupiers of surrounding properties between March 28 and April 1, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 **Philip Flett**

- 3.1 Bylaw No. 8827 (Z01-1068) – Philip Flett – 2205 Bonn Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Sec. 4, Twp. 23, ODYD, Plan 22394, located on Bonn Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone to allow development of the site for uses permitted in the A1s zone.

Staff:

- The subject property is a non-conforming lot with respect to lot size; however, by Council policy, the 's' designation can be added without changing the parent zone.
- The rezoning would allow for continuing use of a secondary suite on the main floor of the building; the principle dwelling unit is on the upper floor.
- Outstanding issues with respect to the Building Code and septic field capacity would have to be addressed prior to adoption of the bylaw.

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.

Philip Flett, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.2 John and Sarina Weisbeck; John, Patricia, Walter and Henk Verwoerd

- 3.2 Bylaw No. 8828 (Z01-1069) – John & Sarina Weisbeck; John, Patricia, Walter and Henk Verwoerd (John & Sarina Weisbeck) – 1494 Highway 33 East and 1177 Oswell Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 and part of Lot 1, Sec. 13, Twp. 26, ODYD, Plan 30654, as shown on Map "A" attached to the report of the Planning & Development Services Department, dated March 14, 2002, located on Highway 33 and Oswell Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone and the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone in order to allow development of the site for uses permitted in the RU1 zone.

Councillor Day declared a conflict of interest because he owns property within the notification area and left the Council Chamber at 7:06 p.m.

Staff:

- The subject property forms part of the Highway 33 East Area Structure Plan (ASP). The first 2 stages of residential development of that ASP are under development to the east of the subject property and include a total of 64 lots to date with 21 additional lots coming on-stream by the end of this month.
- The applicant proposes to rezone the northern portion of the subject property in order to create 13 single family residential lots. The balance of the property would remain undeveloped until such time as access is available from either the east or the west.
- The proposed subdivision configuration would be facilitated by a lot line adjustment with the property to the north and Loseth Drive would be extended to provide access.
- Servicing issues and pre-planning requirements would be addressed at the subdivision stage.
- The application was reviewed and supported by the Advisory Planning Commission with no conditions.
- City transportation staff advise that signalization of the intersection of Loseth Drive and Highway 33 would be triggered upon the first subdivision approval of the Gallagher Ridge ASP.

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.

David Pauls, D.E. Pilling & Associates:

- Advised he was representing Sarina Weisbeck who was unable to be here.
- Indicated he had nothing to add at this time.

Staff:

- The Ministry of Transportation (MOT) will not allow direct access to the property from Highway 33 and had indicated they would require registration of a covenant to ensure that the balance of the property remains undeveloped until such time as road access becomes available via an internal road network. However, since it is anticipated that will come from the property to the east (pending development) MOT have indicated the covenant may not be required.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 7:14 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am