

Public HearingOctober 5, 2004

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, October 5, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, R.D. Cannan, B.A. Clark, C.B. Day, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:03 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 17, 2004, and by being placed in the Kelowna Daily Courier issues of September 27 & 28, 2004, and in the Kelowna Capital News issue of September 26, 2004, and by sending out or otherwise delivering 430 letters to the owners and occupiers of surrounding properties between September 17-20, 2004.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

**3.1 3724 Highway 97 North**

- 3.1 Bylaw No. 9301 (Z04-0045) – Okanagan Manufacturer's BC Ltd. (Protech Consultants Ltd.) – 3724 Highway 97 North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Parcel A (DD118746F & Plan B5762) of Lot 2, Sec. 35, Twp. 26, ODYD Plan 2980 Except Plan H8110, located on Highway 97 North, Kelowna, B.C., from the A1-Agriculture 1 zone to the I2 - General Industrial zone.

Staff:

- Council has already advanced a rezoning application for the same applicant to third reading for the abutting property to the north.
- The intent is to rezone the subject property for development in tandem with the parcel to the north.
- The applicant would be required to provide creek dedications for park, covenants for riparian management, and future road prior to final zoning approval.
- A Development Permit application would also be required concurrent with adoption consideration of the two zone amending bylaws.
- The Advisory Planning Commission recommends support.

The Acting 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, followed by comments of Council.

Grant Maddock, applicant:

- Proposes to dedicate the non-disturb area to the City for maintenance purposes, and to dedicate as much of the flood plain as possible for protection of the Mill Creek corridor. Whether the land will be dedicated or protected by covenant only is being worked out with City Parks Division staff.
- The OCP says maximum 30% taking of the subject property and they are working with City staff to determine exactly where the 30% will be taken.
- The two parcels would be consolidated along with Lot 4 which has been purchased for access off Sexsmith Road.

There were no further comments.

### **3.2 3473 Moberly Road**

- 3.2 Bylaw No. 9302 (Z04-0050) – Caroline Kaltenhauser – 3473 Moberly Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 13, DL 135, ODYD Plan 3886, located on Moberly Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The lot is double fronting onto Moberly and Casorso Roads. The existing 1½ storey house fronts onto Moberly and a driveway along the south side of the property provides access to both roads.
- The applicant would be required to remove an existing second kitchen from the basement of the home if this rezoning is successful.
- The rezoning would allow for the construction of a 1½ storey accessory building with a secondary suite. The main level would contain a garage, along with a storage room, washroom, laundry room, the kitchen and the living/dining room; a washroom and two bedrooms would be on the second level.
- Showed elevation drawings and the proposed floor plan.

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

**Letters of Opposition**

- Milburn Lee, 1-3535 Casorso Road
- Louise Thomsen, 42-3535 Casorso Road
- Don & Judi Stappler, 3462 Moberly Road
- Calvin Bardal, 3453 Moberly Road

Opposed generally on the basis that there would be a deterioration of anticipated lifestyle and quality of life for those in the neighbourhood; a negative effect on property values & character of the neighbourhood; and an increased load on infrastructure and corresponding increases in maintenance costs resulting in an increase in taxes.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Calvin Bardal, 3453 Moberly Road:

- Opposed because the whole of the Mission area now is individual units on individual lots. Approval of this application would change the whole concept of the lower Mission area.
- If this is approved, there will be many more applications from absentee landlords, as is the case with this property.
- Each unit is allowed up to five residents unrelated by blood. On a small lot, that is 10 residents. That is not what was originally in mind for the area.

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Henry Dalba, 3464 Casorso Road:

- His property is immediately adjacent, to the north of the subject property.
- Supports the application; intends to do something similar on his lot in the future.

Shirley Bardal, 3453 Moberly Road:

- There are a number of suites in the area and there are already vehicles parking on the road. If there could be up to 10 people on the subject property, on-street parking would be a big problem.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:23 p.m.

Certified Correct:

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Mayor

Acting City Clerk

BLH/am