

Public HearingFebruary 8, 2005

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, February 8, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, C.B. Day, B.D. Given and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil, B.A. Clark, R.D. Hobson and E.A. Horning.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting Deputy City Clerk, D.M. Fediuk; Manager of Development Services, A.V. Bruce; 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 "*Kelowna 2020 - Official Community Plan* 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 21, 2005, and by being placed in the Kelowna Daily Courier issues of January 31 and February 1, 2005, and in the Kelowna Capital News issue of January 30, 2005, and by sending out or otherwise delivering 208 letters to the owners and occupiers of surrounding properties between January 21-25, 2005.

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 **Zoning Bylaw Text Amendment – Animal Care Uses**

- 3.1 Bylaw No. 9348 (TA04-0011) – City of Kelowna – Animal Care Uses – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by revising the definitions for Animal Clinics Minor and Animal Clinics Major, deleting the definition for Animal Daycare and removing Animal Daycare as a principal permitted use in the C2 – Neighbourhood Commercial, C3 – Community Commercial, C4 – Urban Centre Commercial and C10 – Service Commercial zones; and by adding Animal Clinics Major as a principal permitted use in the I1 – Business Industrial, I2 – General Industrial, I3 – Heavy Industrial and I4 – Central Industrial zones, as detailed in Schedule "A" of the Planning Department's report dated December 3, 2004.

Staff:

- The text amendment would amend the Zoning Bylaw to clarify Animal Daycare and the way Animal Clinics, Minor and Major are defined.
- After a review with members of the public looking to start up an Animal Daycare, staff recommend revamping the definition of Animal Clinics, Major to also include Animal Clinics, Minor and to amend the Animal Clinics, Minor definition to include animal grooming, training and daycare but not include animal shelter as a use and to limit overnight stays to only when required for medical supervision. The proposed amendments would also delete all reference to Animal Daycare from the C2, C3, C4 and C10 commercial zones and add the Animal Clinics, Major use to the I1, I2, I3 and I4 industrial zones.
- The definitions do not include a limit on the number of animals that can be kept.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

3.2 That Portion of 5077 Chute Lake Road south of Cobble Crescent

- 3.2 Bylaw No. 9351 (Z04-0090) – Okana Masonry Ltd. (Emil Anderson Construction Co. Ltd.) – That Portion of 5077 Chute Lake Road south of Cobble Crescent – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 24, Twp. 28, SDYD, Plan KAP59499, except Plans KAP69262 and KAP73174, located on Cobble Crescent, Kelowna, BC from the RU1 – Large Lot Housing Zone and the RU2 – Medium Lot Housing zone to the RU1h – Large Lot Housing (Hillside Area) and the RU2h – Medium Lot Housing (Hillside Area) zones as shown on Map "A".

Staff:

- There is a wildlife corridor behind the property and a significant slope at the back and so a blanket variance was being considered for the lots in the proposed subdivision so that the homes could be moved closer to the street frontage.
- Now that hillside zoning standards are in place, where the houses will be sited on the property can be achieved through the hillside development guidelines rather than via a variance.

The Acting Deputy City Clerk advised that no correspondence and 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.

Applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.3(a) 1007 Rutland Road North

- 3.3(a) Bylaw No. 9349 (OCP04-0016) – Simple Pursuits Inc. – 1007 Rutland Road North – THAT Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 be amended by changing the Future Land Use designation of a part of Lot 1, Sec. 26, Twp. 26, O.D.Y.D. Plan KAP65904, located on Rutland Road North, Kelowna, B.C., from the "Commercial" designation to the "Multiple Unit Residential – Low Density" designation as shown on Map "A".

See discussion under 3.3(b).

3.3(b) 1007 Rutland Road North

3.3(b) Bylaw No. 9350 (Z04-0065) – Simple Pursuits Inc. – 1007 Rutland Road North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 1, Sec. 26, Twp. 26, O.D.Y.D. Plan KAP65904, located on Rutland Road North, Kelowna, B.C., from the C2 – Neighbourhood Commercial zone to the RM3 – Low Density Multiple Housing zone as shown on Map "B".

Staff:

- The property is on the northeast corner of McCurdy Road and Rutland Road North. There is an existing convenience store on the corner.
- The property is currently subject to a building scheme requiring a mixed use development with residential above the proposed commercial and prohibiting a gas station. The applicant is pursuing a Development Permit for a second commercial building and to split zone the lot to develop the eastern portion of the site with 8 units of row housing. This would achieve about the same mix, maybe even a bit more residential, meeting the original intent of the building scheme while providing a good transition from Rutland Road.
- The Advisory Planning Commission recommends support.
- A variance would be requested for the rear yard setback at the north end of the east portion of the site.

The Acting Deputy City Clerk advised that no correspondence and 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.

Representative of the applicant:

- Indicated the applicant was out of town but that he was available to answer questions if required.

John Vielvoye, Rutland Residents Association:

- The Association members support the application as it was presented to them, although some members expressed some concern about traffic.

Staff:

- Access will be from McCurdy Road, recognizing that at some point in the future that access could be restricted to right-in/right-out.
- The intent is to have one driveway into the site and to rely on reciprocal access through the commercial portion of the site to access the residential portion of the development. That would be registered.

4. TERMINATION:

The Hearing was declared terminated at 7:22 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

/blh