

Public HearingApril 4, 2006

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 4, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanche, B.A. Clark, C.B. Day, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Councillor B.D. Given.

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

1. Mayor Shepherd called the Hearing to order at 6:01 p.m.
2. Mayor Shepherd 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 17, 2006, and by being placed in the Kelowna Daily Courier issues of March 27 & 28, 2006, and in the Kelowna Capital News issue of March 26, 2006, and by sending out or otherwise delivering 173 letters to the owners and occupiers of surrounding properties between March 17-20, 2006.

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 **5031 Killdeer Road and 5080 & 5090 Frost Road**

- 3.1 Bylaw No. 9567 (Z05-0074) – Judith Johnson, Michael & Dianne Appleby, Richard & Linda Lamberton (Protech Consultants) – Killdeer Road and Frost Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 1688s, SDYD, Plan 23489 located on Frost Road; Lot 1, Sec. 24, Twp. 28, SDYD, Plan 30846 located on Frost Road; and Lot 2, Sec. 24, Twp. 28, SDYD, Plan 39945, located on Killdeer Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing and P3 – Parks & Open Space zones.

Staff:

- The rezoning is requested to facilitate a 65 lot single family residential subdivision.
- The Fortis BC utility right-of-way would form part of the linear trail system running through the Southwest Mission area.
- None of the lots are to the minimum standards; most exceed the minimum lot area by 75 m² or more and the smallest lot frontage is 15 m.
- A Preliminary Layout Review letter is ready to be issued by the Approving Officer for the proposed subdivision layout.

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

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

Grant Maddock, applicant:

- The land owner intends on building a pathway along the linear corridor as he did in his previous subdivision.

Rick Hullah, Progressive Construction, owner:

- Will do the same asphalt walking path as in Summerhills.
- Has found that linear corridors do not degrade property values.

There were no further comments.

3.2 1025 Rutland Road North

- 3.2 Bylaw No. 9563 (Z05-0075) – Okanagan Chinese Baptist Church (Fine Home Designs- Peter Chataway) – Rutland Road North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 26, Twp. 26, O.D.Y.D., Plan 4841, located on Rutland Road North, Kelowna, B.C. from the existing A1 – Agriculture 1 zone to the proposed P2 – Education and Minor Institutional zone.

Staff:

- The rezoning would correct an existing legal non-conforming church use. The City of Kelowna Official Community Plan designation for the property is shown as Institutional but the zoning was never changed.
- The church has no immediate plans for construction on the site but wants the property zoned correctly should they choose to add buildings in future.
- A Development Variance Permit application will be considered later this evening to recognize existing conditions for total site coverage and flanking side yard setback.

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

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

Peter Chataway, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.3(a) 1641 Commerce Avenue

- 3.3(a) Bylaw No. 9565 (OCP05-0017) – ATM Properties Ltd. Inc. No. BC0703187 – Commerce Avenue - THAT Map 19.1 of *Kelowna 2020* - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 7, DL 125, O.D.Y.D., Plan KAP73825, located on Commerce Avenue, Kelowna, B.C., from the existing "Industrial" designation to the proposed "Commercial" designation.

Staff:

- The original land use mix of Service Commercial and Business Industrial was to facilitate development of the site, the extension of Enterprise Way and to try and preserve some component of OCP future land use designation of Industrial.
- Most of the C10 lots have been developed under their own building scheme/design control. The applicant now wishes to rezone one of the I1 zoned lots to the C10 use as well. The core uses permitted in the I1 zone and the C10 are similar.

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- Showed a conceptual site plan for how the site could be developed under the C10 zone.
- The subject property is not within a Development Permit Area; landscape standards will be addressed at the Building Permit stage.
- The Advisory Planning Commission recommends support as do staff.
- Displayed a map showing the properties (155 ha) that are available for Industrial development but that are not yet zoned for Industrial or Commercial.
- The subject property is 0.5 ha in size so the proposed rezoning would not erode the land base for Industrial land.

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

Mayor Shepherd 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(b) Commerce Avenue

3.3(b) Bylaw No. 9566 (Z05-0079) – ATM Properties Ltd. Inc. No. BC0703187 – Commerce Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, DL 125, O.D.Y.D., Plan KAP73825, located on Commerce Avenue, Kelowna, B.C. from the existing I1 – Business Industrial zone to the proposed C10 – Service Commercial zone.

See 3.3(a) above.

4. TERMINATION:

The Hearing was declared terminated at 6:22 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am