

Public HearingDecember 12, 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, December 12, 2006.

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

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

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg; Subdivision Approving Officer, R.G. Shaughnessy; Development Planner, R. Smith; and Council Recording Secretary, B.L. Harder.

1. Mayor Shepherd called the Hearing to order at 6:02 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 November 24, 2006, and by being placed in the Kelowna Daily Courier issues of December 4 & 5, 2006, and in the Kelowna Capital News issue of December 3, 2006, and by sending out or otherwise delivering 308 letters to the owners and occupiers of surrounding properties between November 24-28, 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(a) **2750, 2880, 2930, 3025, 3135, 3185, 3255 & 3215 Shayler Court**

- 3.1(a) Bylaw No. 9688 (OCP06-0019) – Steven & Bonnie Cloutier, Ercon Holdings Ltd., David & Moyra Skoglund, Leslie Gardner & Klista Redfield, Clark Smith, Shane & Shirley Ginter, 616507 BC Ltd. (Neil Denby/Runnalls, Denby & Associates) – Shayler Court – THAT Map 19.1 of *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 2, Plan KAP70569 Except Plan KAP70818; Lots 6, 7, 10, 13, 14, 15 & 16, Plan KAP70569; and Lot A, Plan KAP76182, Sections 20 and 29, Township 23, ODYD, located on Shayler Court, Kelowna, B.C. from the Future Urban Reserve to Rural/Agriculture.

See under 3.1(b).

3.1(b) 2750, 2880, 2930, 3025, 3135, 3185, 3255 & 3215 Shayler Court

- 3.1(b) Bylaw No. 9689 (Z06-0050) - Steven & Bonnie Cloutier, Ercon Holdings Ltd., David & Moyra Skoglund, Leslie Gardner & Klista Redfield, Clark Smith, Shane & Shirley Ginter, 616507 BC Ltd. (Neil Denby/Runnalls, Denby & Associates) – Shayler Court – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Plan KAP70569 Except Plan KAP70818; Lots 6, 7, 10, 13, 14, 15 & 16, Plan KAP70569; and Lot A, Plan KAP76182, Sections 20 and 29, Township 23, ODYD, located on Shayler Court, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone.

Staff:

- The rezoning would facilitate a 16-lot rural residential subdivision.
- The properties are about 5 acres in size and the intent is to split them each into two with the new parcels fronting on a newly constructed road along the east boundary.
- The property is quite steep with considerable area over 30% slopes. The applicant is pursuing the OCP amendment to rural residential because the topography of the land does not lend itself well to the ultimate rural residential development form.
- The Agricultural Advisory Committee recommends support as do staff.
- The applicant has prepared an environmental assessment report as requested by Council.

The City Clerk advised that the following correspondence was received, all in support of the application:

- letter from Kathleen Mackenzie, 612 Almandine Court
- letter from Debbie & Craig MacTavish, Lot 11 Shayler Court

form letters from the following:

- Michael R. Brennan, 5707 Lakeshore Road
- Elizabeth Marcolli, 2195 Omineca Place
- Christine McIntyre, 1779 Ivans Court
- Norbert Wilderman, 36 – 2425 Mt. Baldy Drive
- Doug Weaver, 118 – 1225 Raymer
- Don Favell, 35 – 2365 Stillingfleet Road
- Don Spencer, 955 Fucshia
- W. Gordon Hill, 2175 Aberdeen Street
- Victor Nash, 211 – 575 Sutherland Avenue
- Richard Wiebe, 219 – 575 Sutherland Avenue
- Ria Harder, 135 Millard Place
- Wendy Marcolli, 845 Bernard Avenue
- Jeff Yuen, 112 – 1330 Ridgeway Drive
- Robert Wilton, 632 Cassiar Road

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

David Pauls, applicant:

- This application is to piggy back 8 lots onto lots that were approved by Council last year for phase 2 of the project. The additional lots would help relieve the servicing costs of the last subdivision.
- The lots would be dry sewered.

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Martin Gebower, Gebower & Associates, biologist:

- Has been on the site numerous times. The lakeshore areas and two or three gulleys and the upland area in particular have ecological values.
- The incremental impact of this phase of the project is relatively small compared to phase 2.
- Outlined some of the mitigation options that he recommends for the development.

Eileen Linfield:

- Here on behalf of Kathleen MacKenzie. Read the letter of support that Council received from Kathleen MacKenzie.

Staff:

- Confirmed that one lot was removed (Lot 13) from the initial application, because of an issue with septic, reducing the number of proposed lots from 9 to 8.

There were no further comments.

3.2 747 Fitzpatrick Road

- 3.2 Bylaw No. 9690 (Z06-0021) – R219 (R219 Enterprises {Mark Whittle}) – Fitzpatrick Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Sec. 34, Twp. 26, O.D.Y.D., Plan 3236, located on Fitzpatrick Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone.

Staff:

- The property is designated a Natural Environment Development Permit Area for Francis Brook which is part of the Gopher Creek and Chichester Pond drainage system.
- A 15 m no disturb riparian setback would be required in the southeast corner of the property adjacent to the creek.
- The applicant would also be required to dedicate a public access corridor along Francis Brook.
- The application is consistent with the Official Community Plan.
- The Advisory Planning Commission recommends support as do staff.

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:

- Nothing to add at this time.

There were no further comments.

Public HearingDecember 12, 2006**3.3 2630 Hollywood Road North**

- 3.3 Bylaw No. 9691 (Z05-0041) – Georg-Michael Holzhey Ltd. (John Hertay) – Hollywood Road North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 2, Twp. 23, O.D.Y.D., Plan KAP74952, located on Hollywood Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone.

Staff:

- The applicant was initially seeking the I2 General Industrial zone but changed the request to the I1 zone when the application was not supported by the Advisory Planning Commission because the I2 zone was inconsistent with the Area Structure Plan.
- A road reserve would be required for a road connection through the subject property to serve the lands to the north,
- A no-disturb covenant would be registered to protect the steep slopes and trees on the adjacent property to the west and the vacant land to the north.

The City Clerk advised that the following correspondence and/or petitions had been received:

- letter of concern from Western Canadian Ranching company;
- petition received in response to the I2 – General Industrial proposal that was considered by the APC. The petition was resubmitted in response to the advertising for this Public Hearing.

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

John Hertay, applicant:

- PowerPoint presentation expanding on the proposal and explaining how it would fit in with the surrounding area.
- The I1 zone eliminates the option for outside storage.
- About 100 of the approximately 400 trees on the lots would have to be removed for the buildings and would be compensated with enhanced landscaping along the sloped area and between the two buildings.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:38 p.m.

Certified Correct:

 Mayor

BLH/am

 City Clerk