

Public HearingFebruary 6, 2007

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 6, 2007

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Nil.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; Planner, Daniel Noble\*; Traffic and Transportation Engineer, Harry Thompson\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:05 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 19, 2007, and by being placed in the Kelowna Daily Courier issues of January 30, 2007 and January 31, 2007 and in the Kelowna Capital News issue of January 28, 2007, and by sending out or otherwise delivering 1621 letters to the owners and occupiers of surrounding properties between January 19, 2007 and January 24, 2007.

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) Bylaw No. 9702 (TA06-0009) – University of British Columbia (Campus and Community Planning) – University Way and Highway 97 North – THAT Zoning Bylaw Text Amendment No. TA06-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD20 – Comprehensive University Development zone (attached as Schedule "A") as outlined in the report of the Planning & Development Services Department dated December 15, 2006 be considered by Council.
- 3.1(b) Bylaw No. 9703 (Z06-0004) – University of British Columbia (Campus and Community Planning) – University Way and Highway 97 North – THAT Rezoning Application No. Z06-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sections 10 & 11, Twp 23, O.D.Y.D., Plan KAP57788, Lot B, Section 10, Twp 23, O.D.Y.D., Plan KAP57788, and Lot A, Sections 10 & 11, Twp 23, O.D.Y.D., Plan 38917, Exc. Plan KAP57788, located on University Way and Highway 97 N., Kelowna, B.C. from the existing P2 – Education and Minor Institutional zone, P4 – Utilities zone, and the A1 – Agriculture 1 zone to the proposed CD20 – Comprehensive University Development zone be considered by Council.

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## Staff:

- Confirmed that the Planning & Development Services Department supports the CD20 Zone.

The Deputy 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.

Doug Owram, UBC Okanagan, applicant:

- Gave a presentation to Council, which is summarized as follows:
  - o Wants to emphasize the community side of the campus and develop a community within the campus;
  - o Developing a Master Plan that helps develop that sense of community;
  - o Hiring at a massive rate and interviewing new faculty from around the world;
  - o 10% of the students come from out of the province;
  - o Students who are educated here will generally stay here;
  - o Discussions currently taking place regarding a pharmaceutical program and a medical program;
  - o Want to create a sense of partnership with the community and wants to contribute to the Okanagan Valley;
  - o A good university is a vital part of a good community.

Nancy Knight, UBC Okanagan, applicant:

- Gave a presentation to Council regarding the campus Master Plan, which is summarized as follows:
  - o Flexible master plan that will evolve and change as necessary;
  - o Advised Council how the road network will work surrounding the campus and access to the City of Kelowna;
  - o Road way requirements will have an affect on the site capabilities;
  - o Studies show no environmentally sensitive areas on the site;
  - o Explained the Sustainable Development Initiatives:
    - Trying to accommodate 1/3 of the students for campus housing (33%).

Rebecca Tyson, Professor at UBC Okanagan

- Advised that a portion of the property is worth holding dedicating for public use.

## Council:

- Concerned about the pine trees in the area and inquired if they were already infected by the pine beetle.
- Council is committed to having linear parks developed for public access and wants to ensure that there is open space left on the campus.
- Inquired if the full site will be developed sometime in the future.
- Inquired as to the road access from the Glenmore Valley.

## Staff:

- Confirmed that some of the areas will not be developed; however if that changes in the future, the applicant will have to come back to Council for a Development Variance Permit.
- Advised that there are not any details regarding the actual location of the road access from the Glenmore Valley; however staff is working with UBC-Okanagan regarding the City's requirements for a road network.

Doug Owram, UBC Okanagan, applicant:

- Confirmed that the University wants to ensure that the area is friendly to the public.
- Confirmed that the pine trees have already been attacked by the pine beetle.

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- Advised that the Master Plan covers the activities of UBC-Okanagan up to 2010-2011 and that there is not any active development contemplated at this time.

Lisa Colby, UBC Okanagan, applicant:

- Advised that studies were done on the site regarding the environment.
- A storm water detention pond will be used as it was intended. The pond will be retained and is already part of the infrastructure that is on the site.

There were no further comments.

## Staff:

- Advised of an amendment to the bylaw at first reading will be required due to a map change and that all of the parties are in agreement to the change.

- 3.2 Bylaw No. 9705 (OCP05-0010) – Watermark Developments Ltd. (John Hertay) – Arab Road (N. of Arab Road and (S. of) University Way – THAT OCP Text Amendment Bylaw No.OCP07-0005 to amend Kelowna 2020 – Official Community Plan Bylaw No. 7600 be considered for First Reading and forwarded to Public Hearing as outlined in the report of the Planning and Development Services Department dated January 31, 2007.

## Staff:

- Advised that the original Area Structure Plan was done in 1996.

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

- Photos in opposition – 4 photos from Pam Price, 2909 Appaloosa Road
- Petitions of Concern – 1 Petition with 27 signatures
- Letter of Concern from the Steering Committee for Arab, Appaloosa, Pinto and Sexsmith Road Property Owners – with previously submitted attachments
- Letter of Concern from John Suttie, 1813 Kerr Road (Submitted at the Public Hearing)

## Staff:

- Advised of the procedure for adding additional lands to the area structure plan and confirmed that the neighbourhood group could proceed with their own rezoning.

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, Watermark Developments, applicant:

- Gave a presentation to Council regarding the proposed Area Structure Plan, which is summarized as follows:
  - o Appeared before Advisory Planning Commission on July 21, 2006;
  - o Worked with staff on the revisions of the Area Structure Plan;
  - o The principles of the original plan have not changed;
  - o Shifting the land uses from the south end of the site to the north end of the site and moving the urban village towards UBC-Okanagan;
  - o Moving the public school location in agreement with School District #23;
  - o Adding an independent school known as Aberdeen Hall;
  - o The gully will remain protected and the land will be donated to the City for public use;
  - o The environmental impact on the area is expected to be minor;
  - o 24% of the site will be open space, linear park and wildlife corridor 10% will be low impact land; and 35% of the inner core of the area structure plan will remain in its natural state;
  - o Advised that there is no impact to Roberts Lake;
  - o Advised of the road network, in particularly, Hollywood Road North;

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- UBC-Okanagan has granted the applicant the option to have a road run along the site to the development, which is proposed to be a two (2) lane major collector road;

## Council:

- Inquired if there will be enough land for the school site to accommodate the school playing field.

John Hertay, Watermark Developments, applicant:

- The School District advised that the school will not be required for 10 – 15 years so the exact details have not been worked out.

## Council:

- Inquired if what the Right-of-Way in the area was.

John Hertay, Watermark Developments, applicant:

- Advised that the Right-of-Way is in favour of Terasen Gas and that they have reached an agreement with Terasen Gas to provide a linear bike path and walkway along that right-of-way area.

## Council:

- Noted that some of the residents had concerns regarding the proposal.

## Staff:

- Advised that another application for subdividing the lands to the south that will impact Appaloosa Road residents, which application will be brought forward to Council in due course and the residents will be able voice their concerns at that time.

Dan Bach, 3020 Appaloosa Road:

- Advised that there was water damage to his property and provided Council with photos of the damage.
- Would like a buffer between his property and the subject property.
- Concerned about Central Okanagan By-Pass.

John Suttie, Kelowna Cycling Coalition and BC:

- Concerned about cycling access and pedestrian access.
- Requested that the cycling coalition have some input in the planning of the cycling access

Nadine, Sexsmith Road:

- Advised that she provided correspondence to the City Clerk's Department and wanted confirmation that it was submitted to Council for review.
- Inquired as to what the project population growth was for the development and how will it affect the traffic in the area.

Rebecca Tyson, Professor at UBC-Okanagan:

- Advised that she bikes to the campus year round and is concerned about cycling routes to the campus.
- Ran the Bike Expo at UBC-Okanagan last fall and indicated that the students advised that they would bike to school and work if there were adequate and safe bike lanes.

Michael Trusco, Curtis Road:

- Concerned about the back slope where the irrigation Right-of-Way is located.
- Inquired if there was a possibility of a buffer along the right-of-way area to protect the natural ecosystem in the area.
- Advised that the flume is privately owned by the Glenmore- Ellison Irrigation District.

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Brian Barber 265 Arab Road:

- Advised that his property was affected by past developments.
- Concerned about access to his property and the fact that his property will be rendered undesirable. Right now he can't even use his pool because it's full of mud.

Jesse Geisbrect, UBC-O Cycling, 11871 Highway 97 N:

- Concerned about cycling access to the campus.
- Would support the development of the flume trail.

Corinne Dewhurst, 3166 Appaloosa Road

- Inquired if there was a wildlife corridor connecting the site.

Louise Letkeman, 3226 Appaloosa Road:

- Concerned that there is a road running right through her house.

## Staff:

- Advised Mrs. Letkeman to contact the Acting Development Services Manager for clarification regarding the possible road running right through her property.

John Hertay, Watermark Developments, applicant:

- Advised that previous damage done to the surrounding properties was due to the College Heights development, this was caused by a 50 year storm that was out of their control. The damage was covered by construction insurance.
- Advised that a no-build covenant will be provided regarding the area surrounding the Central Okanagan By-Pass.
- Advised that he is concerned about minimizing traffic in the area and is trying to encourage walking and cycling and that is why the village centre is being moved closer to the campus.
- Advised that he moving the multi-family out of the acreage area which should reduce the traffic level.
- Confirmed that Arab Road is a connector road to Sexsmith as per the Transportation Division's plans.
- The flume is owned by the Glenmore-Irrigation District. There is no development proposed for the area next to the flume. Two-thirds of the area will be left in its natural state or as grass open space.
- The wildlife corridor was studied by experts and it was advised that it should be placed in the proposed location.
- Advised that the road running through the house is pursuant to the City's Transportation Department's plan.
- Confirmed that he will work with the cyclist regarding what they want to see in a cycling path.
- Advised that the Terasen Gas Right-of-Way is suitable and acceptable to put a biking/walking path.

There were no further comments.

Mayor Shepherd advised that as Item 3.6 is related to Item 3.2, Item 3.6 will be dealt with at this time.

- 3.6 Bylaw No. 9717 (Z06-0014) – Watermark Developments Ltd. (John Hertay) – South of University Way – THAT Rezoning Application No. Z06-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of Lot 7, Plan 1638, Sec. 10, Twp 23, ODYD, located (S of) University Way, Kelowna, BC, from the A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated December 27, 2006, be considered by Council.

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## Staff:

- The Planning & Development Services Department is generally supportive of the application subject to Council's approval of the Official Community Plan amendment application.

The Deputy 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.

John Hertay, Watermark Developments Ltd., applicant:

- Gave a presentation to Council, which is summarized as follows:
  - o Aberdeen Hall is an independent co-educational preparatory school (preschool to Grade 6);
  - o The school will be part of the urban village;
  - o The first phase will be the construction of Junior Hall; the second phase will be the gym; the third phase will be the Senior Hall; the fourth phase will be the Main Hall; the fifth phase will be the Minor Hall, which includes the sixth phase playing area; and the seventh phase will be the construction of the building residence;
  - o The applicant is donating the property to the school;
  - o The applicant will work with the school and Council to ensure that the area around the school will remain undeveloped;
- Confirmed that the area is environmentally sensitive.

## Council:

- Inquired if a guarantee can be given that the school will actually be built.

## Staff:

- Advised that a guarantee cannot be given that the school will be built.
- Confirmed that a Development Permit as to form & character will be secured during the rezoning application.

Jill, Ellison Area:

- Parent of student.
- Speaking in support of the application.
- Extremely happy with the school.
- The only draw back at the moment to the old facility is that it needs to be upgraded.
- Important and exciting development for the City; perfect location for the school.

Chris Green, Head of the School of Aberdeen Hall:

- Supports the application.
- There is a commitment from the parents and the School Board to have this school built.

Russell Curry, 995 Curtis Road:

- Supports the application.
- Inquired as to what would happen to the property if the school is not built given the current zoning.

## Staff:

- The institutional zone would remain unless another rezoning application is brought forward to Council.
- The Official Community Plan amendment as well as a rezoning would have to occur.

Ian Watson, Parent:

- Supports the application.
- Committed to seeing the school develop and prosper.

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- Concerned about the flume slope area.
- Would like assurance from the developer that the eco-system will be kept and unharmed.

## Council:

- Inquired if there has been an environmental report done on the property.

## Staff:

- An independent Environmental Report was done and a copy can be provided to Council.
- A no-disturb covenant could be registered against the property at the subdivision stage and details would be provided at that time.

Clare Budget, 1019 Curtis Road:

- Impressed with the increasing consideration for green spacing.
- Likes the private school and the partnership with UBC-Okanagan.
- Concerned that the environmental studies were done last during the winter season.
- Looking for more consideration in the flume area.

Marty, Curtis Road:

- Inquired as to what provision is being made for drainage on the school site.

## Staff:

- Advised that an Environmental Development Permit is being considered as well as the Development Permit for form and character.
- The Environmental Development Permit will deal with the drainage issue.

Sal Gupta, 990 Cedar Drive, Parent:

- There is a need to build this school and the parents are committed to making the school happen.

John Hertay, Watermark Developments Ltd., applicant:

- Advised that the flagging along the property line is probably there to mark the property boundaries, but that this flagging was not initiated by his surveyors; therefore it might have been done by the Irrigation District.

There were no further comments.

The Hearing recessed at 8:35 p.m.

The Hearing reconvened at 8:45 p.m.

3.3(a) Bylaw No. 9706 (OCP06-0018) – Gazelle Enterprises Inc. – Lakeshore Road - THAT Council authorize the preparation of a text amendment to the OCP to allow a 2 increment increase in density in return for 75% non-market housing to be built on site, subject to the required public notification and public hearing.

3.3(b) Bylaw No. 9707 (Z06-0043) – Gazelle Enterprises Inc. – Lakeshore Road – THAT Rezoning Application No. Z06-0043, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 25, Twp 28, SDYD, Plan KAP71411, located on Lakeshore Rd., Kelowna, B.C., from the A1 - Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone be considered by Council.

## Staff:

- The Planning & Development Services Department does not support this application.

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

- Letters of opposition (17) from the following:
  - o Cynthia Hunter, 4806 Lakeshore Place
  - o Richard L. Drennan, M.Sc., 669 Greene Road (Submitted at Public Hearing)
  - o Annie Heinrichs, 4807 Lakeshore Place
  - o Larry and Marilyn Foster, 4825 Lakeshore Place
  - o Evelyn and Doug Mulholland, 4790 Crighton Road
  - o William and Fern Jones, 351 Braeloch Road North (2 letters submitted)
  - o David and Tera Gainey, 390 Braeloch Road
  - o Joe and Fran Farkas, 590 Barnaby Road
  - o Susan Katinic, 643 Quarry Avenue
  - o Julie and Nick Kellet, 382 Braeloch Road
  - o Tibor Vajda, 4806 Lakeshore Place
  - o Gordon D. Black, 474 Okaview Road
  - o Tony Bull, 4760 Lakeshore Road
  - o Lynda and John Noble, 4800 Crighton Road
  - o Barbara McNair, 4890 Lakeshore Road
  - o Barbara and Howard Morgan, 4920 Chute Lake Road
  - o Heather and Roger Cumming, 4780 Crighton Road (Submitted at Public Hearing)
- Petitions of Opposition – 1 Petition with 10 signatures
- Letter of Concern from Kurt and Verena Schleith, 4855 Chute Lake Road

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

Gail Temple, Gazelle Enterprises Inc., applicant:

- Gave a presentation to Council, which is summarized as follows:
  - o Worked with neighbour (Sandhu) so that there will be a buffer between the development and his property;
  - o A covenant will be registered on title to ensure that the property will deal with the agriculture in the area;
  - o Will not affect the agriculture in the area;
  - o An island in the area is already zone residential and will eventually become a residential use;
  - o If the rezoning is approved, upgrades and costs to the road network will be born by the developer;
  - o Will landscape and maintain a bike path area and will register a Right-of-Way in favour of the City to ensure its ongoing use and benefit to the public;
  - o Age restrictions will be placed on the development of 45 years or older;
  - o A restrictive covenant will be placed on the property to ensure that the sale price of the units will be controlled in the future;
  - o Asking for a low-density, multi-family development;
- Confirmed that the proposed height of the building was dropped as suggested by the Advisory Planning Commission.

Jennifer Banerjee, 4801 Lakeshore Place:

- Concerned about the increased vehicle traffic and her site lines.
- Opposes the development.
- Concerned about irrigation to her orchard. The pump house, storage shed and electrical house are located on the subject property.



Public HearingFebruary 6, 2007David Gainey, 390 Braeloch Road:

- Strongly opposed to the proposal.
- Should leave the outlying rural areas alone.
- Lands do not have the infrastructure to support increased density.
- If this development is allowed, it will make it more difficult to prevent more developments like this.
- Confirmed that there is no direct affect on his property.

Tera Gainey, 390 Braeloch Road:

- Concerned about the traffic flow and how the City will deal with traffic in the area.
- Inquired as to the location of a 6 ft stone wall.
- Concerned about the ecological impact to the area with respect to the pine trees and wildlife in the area.
- Moved to the area for the natural environment/
- Strongly opposed to the application.

Staff:

- Plans are in place for the area to deal with traffic flow. Approximately 20 additional vehicles will be coming and going at peak hours.
- The traffic volume at the intersection is not the issue. The lack of capacity down the road and the school in the area are the major concern.

Jamie Blair, 704 McClure Road:

- Consider the fact that people want a turn-key environment with a view.
- Lower Mission is a great place to live.
- He and his wife walk the area almost everyday.
- Excited about the Bellevue Creek corridor and feels that this development will be in a great location.
- Hopes that Council is open to the opportunities that have potential in the area.

Murray McDonald, 4821 Lakeshore Road:

- Moved to the area because he wanted the rural lifestyle.
- Canvassed the area and the majority of the neighbours are opposed to the development.
- The development will change the nature of the area.
- Concerned about pesticides being sprayed in the area during cultivation season.

Natelle Moench, 4811 Lakeshore Place:

- Concerned about safety issues and increased vehicle traffic.
- Concerned about the capacity of the road and lack of amenities in the area.

Larry Foster, 4825 Lakeshore Road:

- Opposed to the development proposal.
- Suggested that the proposal goes against the Official Community Plan.
- The proposal would create a significant de-stabilizing of the area and encourage future development of this kind.
- Confirmed that he was a former Director of Long Range Planning for the City of Kelowna and helped establish the City's first Official Community Plan.

Public HearingFebruary 6, 2007Roger Cumming, 4780 Creighton Road:

- Canvassed the residents of Creighton Road and everyone is opposed to the development.
- Spot development will only encourage other to seek maximum site development.

John Falconer, 1500 Woodbridge Road:

- Feels the development will provide an opportunity for a different way to live in the area.
- Supports the development.

Richard Drinnan, 669 Green Road:

- Oppose the application and pointed out that both staff and the Advisory Planning Commission do not support the application.
- Advised that he is not opposed to Official Community Plan amendments provided they are in the best interests of the Official Community Plan and the public.
- Urged Council to reject the applications.
- Better if the property is re-integrated back into the agricultural land base.
- Provided calculations that show this development will have a 73% Development Cost Charge amount rate.

Ron Hallick, 498 Sarsons Road:

- Advised that the Official Community Plan guidelines recommend against changing agricultural zones.
- Advised that the land was previously owned by the City of Kelowna and was planned for a firehall.
- Concerned about traffic.

Cynthia Hunter, 4806 Lakeshore Place:

- Opposes the application.
- Suggested low-density buildings of some sort only.
- Wants to preserve the current character of the area.
- Not the right place for this development.

Neville DeVier, Sunset Drive:

- Supports the application.

Jim Scantland, 5209 Cobble Court:

- Deals with clients 65 or older and his clients are looking to live in this type of development.
- The City needs more options like this development.

Leslie Gordichuk, 929 Westpoint Place:

- Lived in the Mission for 17 years
- Waiting a long time for this type of development to come to the area.

Gail Temple, Gazelle Enterprises Inc., applicant:

- The School District's e-mail addressed the issue of traffic congestion in the area. The School District anticipates that once the new school is built, it will help alleviate the traffic congestion.
- When improvements are completed, the intersection and the road alignment will be ready for future road improvements.

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- The lands being developed is not agricultural land and is not part of the Agricultural Land Reserve.
- The Official Community Plan is not meant to hamstring Council and should allow Council to vary land uses.
- The landscape plan shows a rock wall to interface with the landscaping of the property and the sidewalk and the boulevard
- Advised that the applicant has spoken at length with Mr. Sandhu (neighbouring Orchardist) in order to ensure that everyone that built there knows what they are buying and advised that there are already existing residential uses in the area
- Confirmed that there is an irrigation line and pump house and that the matter had already been looked into ensure that irrigation to the orchards were not affected.

There were no further comments.

- 3.4 Bylaw No. 9710 (Z06-0064) – Masami Kostiuk (Len Suchocki – Hazell Road – THAT Rezoning Application No. Z06-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 358 Osoyoos Division Yale District Plan 18307, located at 4334 Hazell Road, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council.

Staff:

- The Planning & Development Services Department supports the application.

The Deputy 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.

There were no comments.

- 3.5 Bylaw No. 9716 (Z06-0045) – Sergio and Laura Manfredi (Sergio Manfredi) – Hazell Road - THAT Rezoning Application No. Z06-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 24, Township 28, SDYD Plan KAP77532, located on Cobble Crescent, Kelowna, B.C. from the RU1h – Large Lot Housing (Hillside Area) zone to the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone be considered by Council.

Staff:

- The Planning & Development Services Department supports the application.
- A Building Scheme is registered against the subject property.

The Deputy 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.

There were no comments.

- 3.6 Bylaw No. 9717 (Z06-0014) – Watermark Developments Ltd. (John Hertay) – South of University Way – THAT Rezoning Application No. Z06-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of Lot 7, Plan 1638, Sec. 10, Twp 23, ODYD, located (S of) University Way, Kelowna, BC, from the A1 – Agriculture 1 zone to the P2 – Education and

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Minor Institutional zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated December 27, 2006, be considered by Council.

This item was dealt with earlier in the Public Hearing. See Item 3.2 above.

- 3.7 Bylaw No. 9718 (Z06-0044) – Luc and Julia Bigras (Luc Bigras) – Arbor View Drive – THAT Rezoning Application No. Z06-0044 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 38, District Lot 579, S.D.Y.D., Plan KAP74689, located on Arbor View Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council.

Staff:

- The Planning & Development Service Department supports the application.

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

- Letter of Opposition from Ryan and Kristy Marshall, 1145 Steele Court

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

There were no comments.

- 3.8 Bylaw No. 9720 (Z06-0041) – Michael Gaspari – Old Meadows Road – THAT Rezoning Application No. Z06-0041 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, O.D.Y.D., Plan 14765, located on Old Meadows Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council.

Staff:

- The Planning & Development Services Department supports the application.
- There are no concerns regarding the three (3) accesses off of Old Meadows Road as there are no plans in the immediate future to four (4) lane the road.

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

- Letter of Opposition from Ron Koch, 649 Welke Road
- Letter of Opposition from Joseph and Eleonora Ferro, 655 Old Meadows Road
- Letter in Favour from Eunice and Henry Wheatley, 676 Welke Road

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

Richard Drinnan, 669 Green Road:

- Concerned with the conceptual drawings.
- Inquired if there was a basement to the house, and if there was, he was concerned with the high water table as the foundation would need to be raised.

Staff:

- Advised that any building plan would go through the Inspection Services Department and all Bylaws would then be adhered to.

There were no further comments.

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- 3.9 Bylaw No. 9723 (TA06-0007) – Deanne Leung – THAT Text Amendment Application No. TA06-0007, to amend the City of Kelowna Zoning Bylaw No. 8000 and Sign Bylaw No. 8235 as outlined in Schedule “B” of the report of the Planning and Development Services Department, dated December 28, 2006, be considered by Council.

Staff:

- Confirm that the text amendment speaks to the P2 Zone and the Planning & Development Services Department supports the text amendment.

The Deputy 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.

There were no comments.

4. TERMINATION:

The Hearing was declared terminated at 10:53 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/am