

Public HearingNovember 27, 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, November 27<sup>th</sup>, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre. Blanleil, Barrie Clark, Colin Day, Norm Letnick and Michele Rule.

Council members absent: Councillors Brian Given, Carol Gran and Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Supervisor, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

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 October 26<sup>th</sup>, 2007, and by being placed in the Kelowna Daily Courier issues of November 5<sup>th</sup>, 2007 and November 6<sup>th</sup>, 2007, and in the Kelowna Capital News issue of November 4<sup>th</sup>, 2007, and by sending out or otherwise delivering 484 letters to the owners and occupiers of surrounding properties between October 26, 2007 and October 31, 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 Bylaw No. 9885 (Z07-0041) – Remigio & Malsha Picco/(Remigio Picco) – 2077 Fisher Road – THAT Rezoning Application No. Z07-0041 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot E, District Lot 130, O.D.Y.D., Plan 18628 on Fisher Road, Kelowna, B.C. from A1 – Agriculture to RU1 – Large Lot Housing be considered by Council.

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

- Letter of Opposition:
  - Margit Christl, 2027 Fisher Road

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

#### Remigio Picco, Applicant:

- There is over an acre of property that has owned for the past 33 years.
- Due to his age, the property is getting increasingly difficult to maintain.
- Feels the subdivision will enhance the property as a portion of the property is not currently being maintained.
- An elderly couple has already shown interest in purchasing the subdivided lot.
- Feels this subdivision will enhance the appearance of Fisher Road.

Public HearingNovember 27, 2007

There were no further comments.

- 3.2 Bylaw No. 9886 (Z07-0046) – Terrance & Joan Raisanen/(Eidse Builders) – 1975 Kane Road - THAT Rezoning Application No. Z07-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Plan 22004, Sec. 33, Twp. 26, ODYD, located on Kane Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM5 - Medium Density Housing zone be considered by Council.

Staff:

- The only concern staff have regarding parking is accessibility; however given the variances applied for, staff are satisfied with the parking proposed.
- This project complies with the OCP and therefore staff have not commented on affordable housing components.

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.

Gary Tebbutt, Applicant:

- Designing a “green” building with on-site daycare.
- Provided clarification with respect to the building’s design and colour.
- All of the parking for the units is within the parkade with parking for visitors and staff on the surface. It will be impossible to see any parking stall when driving by the project.
- Have two (2) people committed and certified to staff the on-site daycare.
- Confirmed that the outdoor play area is fully secured and can only be accessed through the daycare itself.

Council:

- Wants to ensure that the developer contacts the Heritage Society regarding the heritage building currently on the site.

Gallery:Keith Engel, 389 Valley Road:

- Owns one (1) of the orchards across the street from the project.
- As the subject property is situated across from working orchards, how will the orchard spraying affect the people living in the units, as well as the on-site daycare?
- Concerned about the traffic flows in the area.

Staff:

- Will be requesting a covenant be placed on the property notifying potential purchasers that they are purchasing property beside an orchard.
- Will be looking at the buffering requirements as outlined by the Agricultural Land Commission.
- Confirmed that the setbacks are within the regulations of the Agricultural Land Commission.

Gary Tebbutt, Applicant:

- Spent a lot of time dealing with City staff regarding Kane Road and the affect of the project on the traffic flows.
- Have engaged Stantec Engineering in order to address any Kane Road or Valley Road issue.
- The project area adjacent to Valley Road is considered urban, while the area across the street on Valley Road is considered rural.
- The fact that the property is located next to working orchards will be disclosed through a Disclosure Statement to any potential purchasers.

Public HearingNovember 27, 2007

- The applicant has not had any dialogue with the orchard owner directly across the street from the project, but will engage them in dialogue concerning some sort of buffering from the spraying.

There were no further comments.

- 3.3 Bylaw No. 9887 (Z07-0034) – Charlene Wheatley – 2031 Fisher Road - THAT Rezoning Application No. Z07-0034 to amend City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 22, District Lot 130, ODYD, Plan 17924 on Fisher Rd, Kelowna, B.C. from A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

- Letter of Opposition:
  - Margit Christl, 2027 Fisher Road

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

George Wheatley, Applicant's Representative:

- Feels that the subdivision fits in with the character of the neighbourhood.
- Feels the subdivision will increase property values in the area.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:45 p.m.

Certified Correct:

---

Mayor

SLH/dld

---

City Clerk