

Public HearingNovember 25, 2008

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 25th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Colin Day*, Brian Given, Robert Hobson, Norm Letnick*.

Council members absent: Councillors Barrie Clark, Carol Gran and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Planner, Nelson Wight*; Manager, Integrated System, Mark Watt* and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:07 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 7, 2008, and by being placed in the Kelowna Daily Courier issues of November 17, 2008, and November 18, 2008, and in the Kelowna Capital News issue on November 16, 2008, and by sending out or otherwise delivering 2634 letters to the owners and occupiers of surrounding properties between November 7, 2008 and November 12, 2008.

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

- 3.01 Bylaw No. 10031 (Z07-0082) – Bruckal Developments corp./(New Town Architectural services) – 443 Christleton Avenue – THAT Rezoning Application No. Z07-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot 14, ODYD, Plan 1335, located at 443 Christleton Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer.

Public HearingNovember 25, 2008

Staff:

- The neighbourhood and the developer have arrived at a possible solution in that the developer has agreed to register a Restrictive Covenant on the property to address any setback and form & character issues.
- Staff are suggesting that final adoption of the zone amending bylaw be considered in conjunction with a Development Permit for form & character.

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

- Letters of Concern:
 - Chris & Gerry Lee, 460 Birch Avenue
 - Islam Mohamed & Janet Evans, 423 Christleton Avenue
 - Myles Bruckal, 443 Christleton Avenue

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

Steven Bruckal, Applicant

- Was only made aware of staff's new recommendation just prior to the Public Hearing.
- Confirmed that the neighbours were concerned with some of the setbacks being sought.
- The developer and the neighbours have agreed to file a Restrictive Covenant on the property in order to deal with the front yard setback as well as the form & character of the structure.
- If this agreed to by Council, the neighbourhood is prepared to support this rezoning.

Gallery:

Chris Lee, 460 Birch Avenue

- Believes that the Memorandum of Understanding with the applicant and the neighbourhood should be made public record.

Staff:

- A Restrictive Covenant with respect to the building envelope (setbacks) could be registered on title to the subject property, which would address the issue of an increased front yard setback.

Wayne Dods, 420 Christleton Avenue

- Personally met with the developer.
- Supportive of the rezoning based on the agreement that was reached with the developer.

Gerry Lee, 460 Birch Avenue

- Read a letter to Council detailing the meeting that was held with the developer on November 24, 2008.
- A voluntary restrictive covenant was agreed to be placed on the property to deal with the front yard setback and the form & character of the proposed structure.
- The neighbourhood wants to see the Restrictive Covenant prior to it being registered on title.

Public HearingNovember 25, 2008Pat Richardson, 406 Christleton Avenue

- Concerned that not all of the neighbours were aware of the agreement that was reached. A couple of the property owners that are directly impacted by the application are out of the country and are not aware of this compromise

Steven Bruckal, Applicant

- Further detailed the timeline proposed to achieve the Memorandum of Understanding and read the Memorandum of Understanding to Council.
- Confirmed that one of the properties does currently have a "For Sale" sign on it.

There were no further comments.

Staff:

- Confirmed that the rezoning bylaw would not be adopted until such time as a Development Permit is brought forward for Council consideration.

- 3.02 Bylaw No. 10102 (OCP-0024) and Temporary Use Permit No. TUP08-001 – City of Kelowna (Mark Watt) – 575-599 Harvey Avenue - THAT OCP Bylaw Text Amendment No. OCP08-0024 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by deleting the Temporary Use Permit Area table in Chapter 19 - Temporary Commercial and Industrial Use Permits and replacing it with a new table as per Schedule "A" attached to the report of Planning & Development Services Department, dated October 10, 2008, be considered by Council.

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of the Planning & Development Services Department dated October 10, 2008;

AND THAT the OCP Bylaw Amendment No. OCP08-0024 be forwarded to a Public Hearing for further consideration

AND THAT Council authorize Temporary Use Permit No. TUP08-0001 to allow "outdoor storage" on Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471, located at 575-599 Harvey Avenue, Kelowna, B.C, subject to the following conditions:

- a) That area required for the contract be provided with temporary fencing and unobtrusive lighting.

Councillor Letnick joined the meeting at 6:55 p.m.

Staff:

- The purpose of this application is to allow a portion of the site to be used for the storage and distribution of curb side carts.

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

- Letters of Support:
 - Terasen Gas, Alisa Fowler, 16705 Fraser Highway, Surrey, BC
- Letters of Opposition:
 - Wendy Jewell, 309-560 Sutherland Avenue

Public HearingNovember 25, 2008

- S. Grover and Mary Stewart, 210-510 Buckland Avenue
- Letters of Concern:
 - Brenda Bachmann, 1812 Marshall Street

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

Staff:

- The carts will be used throughout the Central Okanagan Regional District and this site was selected as it was the most central site within the region.
- Storage will be for 20,000 – 25,000 carts, which will be the maximum amount of carts on the site at any one time.
- The site will be used between January 15, 2009 – May 31, 2009.
- The proposed access lines up with Saucier Road and improvements have been done in order ensure that access. The Ministry of Transportation has agreed to the access point.
- Confirmed that there will not be any traffic as a result of the site through the residential areas.
- The site will be operated during normal business hours and there will not be any deliveries to the site at night.
- Believes that the service providers and the waste reduction office have requested signage for the site.

There were no further comments.

3.01 Bylaw No. 10031 (Z07-0082) – Bruckal Developments corp./(New Town Architectural services) – 443 Christleton Avenue

City Clerk:

- Advised Council that a draft Resolution has now been prepared with respect to Item 3.1 and would like to advise Council of the wording.

Councillor Letnick declared a conflict of interest as a member of his family has a personal relationship with the applicant and left the meeting at 7:08 p.m.

City Clerk:

- Read aloud the draft Resolution for Council consideration.

Councillor Letnick returned to the meeting at 7:09 p.m.

3.03 Bylaw No. 10103(Z08-0085) – Lance Pilott – 2260 Wilkinson St – THAT Rezoning Application No. Z08-0085 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 136, O.D.Y.D, Plan 32304, located on 2260 Wilkinson St, Kelowna, B.C. from the RU2 – Medium Lot Housing Zone to the RU2(s) – Medium Lot housing with a Secondary Suite Zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

- Letters of Opposition:

Public HearingNovember 25, 2008

- Calvin Fortnum, 2260 Nelson Road

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

Lance Pilott, Applicant

- Was unaware that the cooking facility in the basement constituted a suite.
- He wants to have kitchen in the basement so that it makes it easier for him as he has problems with his legs and does not want to go up and down the stairs all the time.

There were no further comments.

- 3.04 Bylaw No. 10104 (Z07-0062) – Kelly & Clayton Robinson/ (Peter Chataway) – 3432 Scott Road - THAT Rezoning Application No. Z07-0062 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 135, O.D.Y.D., Plan 3886, located on Scott 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;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities Department being completed to their satisfaction.

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

- Letters of Support:
 - Terasen Gas, Alisa Fowler, 16705 Fraser Highway, Surrey, BC
- Letters of Opposition:
 - Charlene Bailey, 7-761 Lanfranco Road
 - John Przywara, 3431 Scott Road
- Form Letters of Support:
 - A package of form letters submitted by Peter Chataway, 368 Cadder Avenue from 8 resident/owners of the surrounding area
- Letters of Concern:
 - Marha Statham, 3415 Moberly Road

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's Representative

- Confirmed that he obtained support from 9 of the surrounding residents.

There were no further comments.

- 3.05 Bylaw No. 10105 (Z08-0030) – Paul Warnock – 1230 and 1220 - 1222 Brookside Avenue - THAT Rezoning Application No. Z08-0030 to rezone portions of Lot 5, Block 2, District Lot 137, O.D.Y.D., Plan 5042 and Lot 1, District Lot 137, O.D.Y.D., Plan 4386 located on Brookside Avenue, from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing and P3 – Parks and Open

Public HearingNovember 25, 2008

Space, in accordance with Map "A", attached to the Planning and Development Services Report, dated September 20, 2008 be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the lane closure, lot consolidation, and dedication of park, to the satisfaction of the subdivision approving officer;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a "no disturb" Section 219 Covenant to effectively preserve the Mill Creek Riparian Management Areas, and a Section 219 Covenant to save harmless the Province and the City of Kelowna from damages due to flooding;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Staff:

- Conceptual drawings have been provided by the applicant.
- Final adoption of the bylaw would be pending review of proper drawings that will speak to form & character, which will be brought forward to Council at a later date.
- The property across the creek, on the other side of a bridge, will be maintained for public access.

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

- Letters of Support:
 - Christian Farago, 200-1889 Springfield Road
- Letter of Inquiry:
 - Marguerite Bilyk, #1 – 1225 Brookside Avenue

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

Paul Warnock, Applicant

- Has received a lot of verbal support from the surrounding neighbourhood.
- Has received Provincial support for the project.
- Currently working on the architectural design for the building.

Gallery:John Ducey, 1190 Brookside Avenue

- In general, he supports this project.
- Concerned that Brookside Avenue between the 2 cul-de-sacs is foot traffic only and the only road access to certain properties may be increased which could adversely affect some of the residents.

Staff:

- Will ensure that the issues regarding access through Brookside Avenue will be brought to the attention of the Works & Utilities Department for comment

Mrs. Webber, K683 Strata President, 1249 Pacific Avenue

Public HearingNovember 25, 2008

- Concerned with the setback that border her property line.
- Concerned that the bridge in the area may not withstand the amount of increased foot traffic.

There were no further comments.

- 3.06 Bylaw No. 10107 (Z08-0073) – Colin Day/ (Lone Pine Estates) – 685 Lone Pine Drive - THAT Rezoning Application No. Z08-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of South East 1/4 of Section 24, Township 26, O.D.Y.D., except Plans KAP54413, KAP58342, KAP59957, KAP63620, KAP69503 and KAP79411, located at 685 Lone Pine Drive, Kelowna, B.C. from the RU1 – Large Lot Housing and A1 – Agriculture 1 zones to the RU1h – Large Lot Housing (Hillside Area) zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

Councillor Day declared a conflict of interest as he is the registered owner of the subject property and left the meeting at 7:32 p.m.

Staff:

- There is a designated neighbourhood park in the area that has not yet been developed as the parkland is on private property and cannot be developed until such time as the property owner makes an application to do so.
- Toovey Road is presently a DCC road and DCC's will be charged.
- This is an application to add the RU1(h) designation to the site.
- Confirmed that the Environmental Development Permit process will have to be followed.
- The developer has worked with staff ensure that any necessary upgrades to Toovey Road have been achieved.

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

- Letter of Concern:
 - Brian Langevin, 796 Lone Pine Drive
 - Margo McMahan, 1302 Toovey Road
 - Kenton Galloway, 210-1715 Dickson Avenue
- Letter of Inquiry:
 - Glenn Wightman, 868 Lone Pine Drive

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

Dave Cullen, Applicant's Representative

- Have being working with staff on the development of the Hillside Guidelines.
- The detailed design for the subdivision was completed on the basis of the current zoning and it was at that time that it was identified that there was a desire to have the "h" designation added the zoning.
- The City has acquired a Highway Reserve in order to ensure that the Toovey Road extension will occur.
- Advised that it is likely that any upgrade to Toovey Road would be dictated by the City and not the developer as Toovey is now a DCC road.

Gallery:

Public HearingNovember 25, 2008Sue Harray, 891 Lone Pine Drive

- Concerned about drainage in the area.
- Concerned about future architectural controls of the development as in the past such controls have not been adhered to.
- Concerned about the area being a fire-interface area and that often times timber is left on the site that could pose a potential hazard.
- Concerned about access to the area.

Ian MacMillian, 1314 Toovey Road

- Concerned about the park dedication in the area.
- Believes that the developer should be made to develop a park in the area.
- Believes that a portion of the area slated for park is actually quite steep and cannot be used as a park.
- Concerned about road access to the area and that there is too much traffic on Toovey Road.

Jim Heisler, 1130 Toovey Road

- Believes that Toovey Road was always meant to be temporary access to the development.
- Believes that the developer has not lived up to his previous commitments.
- There has not been any consultation with the neighbouring property owners.

Ron McKay, 910 Toovey Road

- Have lived in the area since 1992.
- Wants Council to ensure that this development is done correctly.

Dave Cullen, Applicant's Representative

- The development will have a full drainage control plan that will deal with the single-family lots as well as the hillside above the development. The plan will be approved by staff prior to being implemented.
- Toovey Road has been widened and the safety improvements with respect to the guard rail has been installed.
- The Highway Reserve has now been registered for Toovey Road.
- Traffic studies have been done which indicated that the traffic volume is not an issue.
- Will address any fire hazard concerns that may be there as a result of logs being stored on the site.
- No direct public consultation process was done. The only consultation process was done through the City's procedures.

Staff:

- Confirmed that there are not any plans in place to pursue the private owner of the designated parkland in order to try and purchase that parkland.

There were no further comments.

The meeting recessed at 8:47 p.m. and reconvened at 9:00 p.m. Councillor Day returned to the meeting at 9:00 p.m.

3.07 Bylaw No. 10108 (Z08-0076) – Corey Knorr Construction Ltd/ Protech Consultants Ltd) – 935 Gibson Road – THAT Rezoning application No. Z08-0076 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 25, Township 26, O.D.Y.D Plan 22778, Located at 935 Gibson Road, Kelowna BC from the A1 – Agriculture 1 to the RU1 – large Lot Housing zone be considered by council;

AND THAT the zone amending bylaw be forwarded to a public hearing for further consideration;

Public HearingNovember 25, 2008

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

- Letters of Opposition:
 - Stan McAllister and Adelaine Kelly, 900 Sutcliffe Court
 - Lynda Wilkie, 935 Graf Road
 - Joe & Ann Malmsten, 990 Graf Road
- Form Letters of Opposition:
 - A package of form letters submitted by Lynda Wilkie, 935 Graf Road, from 32 residents/owners of the surrounding area.

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, Protect Consultants Ltd., Applicant's Representative

- The owner of the subject property conducted a meeting with the adjoining neighbours in which Mr. Knorr attended in order address any neighbourhood concerns.
- The developer has agreed to build 1-storey ranchers on Graf Road in order to mitigate any view concerns by the neighbourhood.
- If the developer has to, he will register a Restrictive Covenant on the property to ensure that only ranch-style properties are constructed on the site.

Gallery:Christina Nadeau, 955 Gibson Road

- Opposed to the application.
- Bought their property because there was a large lot next door.
- Concerned about privacy issues as they have a pool in the backyard.
- Concerned that property values will be affected by the development.
- Concerned that development on the subject property could potentially damage the retaining wall on her property.

Edna Boone, 1225 Hartman Road

- Opposed to the application.
- Concerned about increased traffic in the area and the safety of children in the area.
- Concerned that property values will be affected.
- Concerned about parking in the area.

Grant Maddock, Applicant's Representative

- Based on the City's setback requirements, the retaining wall should not be jeopardized.
- There should be adequate parking on the site to meet the City's requirements.
- The proposed lot sizes would meet the RM1 zone. The width of the lot is 17m compared to 22m of the surrounding lots.
- There is a sewer service in the area.
- Believes that cash-in-lieu may be acceptable to deal with upgrades to road improvements; however if necessary, the developer will take care of the upgrades.
- The developer is willing to enter into a Restrictive Covenant for the properties along Graf Road to ensure that only 1-storey ranchers are constructed.
- The developer is willing to mitigate any privacy concerns with respect to the owner of 955 Gibson Road.

Public HearingNovember 25, 2008

There were no further comments.

- 3.08 Bylaw No. 10109(Z08-0086) – Frank and Carmen Prehofer – 2652 Woodland Crescent - THAT Rezoning Application No. Z08-0086 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 16, Township 26, O.D.Y.D., Plan 23034, located on Woodland Crescent, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1(s) - Agriculture 1 with a secondary suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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.

James Haslock, Oasis Design, Applicant's Representative

- Is here to address any Council or public inquiries.

There were no further comments.

- 3.09 Bylaw No. 10110(Z08-0083) – Jean Tinling – 560 Peck Court - THAT Rezoning Application No. Z08-0083 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 18, Section 14, Township 26, O.D.Y.D., Plan 25160, located on Peck Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to RU1(s) Large Lot Housing with a Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities department and Rutland Waterworks being completed to their satisfaction;

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

- Letters of Opposition:
 - Jacqueline Kitsul, 530 Peck Road

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

Jean Tinling, Applicant

- Understands that there was a concern with parking and noise and that is why she is building a double-car garage. There are 2 more parking spots around the back for visitors.
- The suite would only be suitable for a single person or a quiet couple.

There were no further comments.

Public HearingNovember 25, 2008

- 3.10 Bylaw No. 10111(Z08-0093) – Shelley Nicholl-Smith – 1441 Flemish Street - THAT Rezoning Application No. Z08-0093 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 43, District Lot 137, O.D.Y.D., Plan 15035, located on Flemish Street, Kelowna, B.C. from the RU1 large lot housing zone to the RU1(s) Large Lot Housing with a Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

- Letter of Opposition:
 - John & Gina Pinoli, 1499 Lombardy Square (Lot 43)

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

Shelley Nicholl, Applicant

- Did speak to the neighbourhood when the process was initiated in the summer and there was not any opposition expressed.
- There is adequate off-street parking for the site.

There were no further comments.

- 3.11 Bylaw No. 10112(Z08-0079) – Sherry & Micheal Belanger – 4150 McClain Road - THAT Rezoning Application No. Z08-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 2 Township 26 ODYD Plan 20428, located at 4150 McClain Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the South East Kelowna Irrigation District being completed to their satisfaction

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. No one came forward.

- 3.12 Bylaw No. 10113(Z08-0075) – Paula Craig/ (K. Kingston) – 1870 Maple Street - THAT Rezoning Application No. Z08-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 19 Block B District Lot 14 ODYD Plan 2220, located at 1870 Maple Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Public Hearing

November 25, 2008

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

- Letters of Opposition:
 - Barb Craig, 1826 Maple Street
 - Lillian Bethel Greenwood, 1815 Maple Street
 - Stan & Margaret Szombathy, 1821 Maple Street

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

Kevin Kingston, Applicant's Representative

- Has lived on the property since 2000.
- The only time that parking is an issue is when there is an event at City Park or a funeral in the area.
- Confirmed that the Community Heritage Commission was consulted during this process.
- This area already has other similar structures, so this will not set a precedent.

There were no further comments.

- 3.13 Bylaw Nos 10114(OCP08-0023) & 10115(Z08-0089) – The Board of Education of School District No. 23 (Central Okanagan)/ (MQN Architects) – 4534 Gordon Drive - THAT OCP Bylaw Amendment No. OCP08-0023 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A, District lot 167, ODYD, plan 25832, located on Gordon Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Educational/Major Institutional designation, as shown on Map "A" attached to the report of Land Use Management Department, dated October 22, 2008, be considered by Council;

AND THAT Council considers APC public process, to be appropriate consultation for the purpose of section 879 of the Local Government Act, as outlined in the report of the Land Use Management Department dated October 22, 2008;

AND THAT Rezoning Application No. Z08-0089 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District lot 167, ODYD, plan 25832, located on Gordon Road, Kelowna, B.C., from the RU1 – Large Lot Housing Zone to P2 Educational and Minor Institutional Zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0023 and Zone Amending Bylaw No. Z08-0089 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subject to the receipt of an executed landscape agreement and bonding for 125% of the cost estimate for proposed landscaping.

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.

Vickie, MQN Architects, Applicant's Representative

Public HearingNovember 25, 2008

- The applicant is providing extra parking to supplement the current site location. The parking area would be intended for the school parking and an on-site drop of area for parents/students.
- Once funding is provided by the Ministry of Education, an addition to the school would occur at the northwest corner.

Gallery:

Carter Waite, 4500 Gordon Drive

- Owns the property right next door.
- Due to the upgrades to Gordon Drive, it has made it almost impossible for him to exit his property.
- Concerned that the parking lot is abutting his property. Would like to have a berm and a fence to mitigate any problems that could arise.
- Concerned that the "smoke pit" could potentially be moved beside his property and is concerned that garbage will accumulate on this property.
- Concerned about traffic safety in the area.
- Believes that access to the site should be off of Raymer Road.
- Would consider working with the School District to have access to his property through the school site.
- Concerned that the hedge will create a hiding spot for students to go to smoke.
- Would prefer that hedge be removed if no berming or fencing is erected.

Vickie, Applicant's Representative

- There has not been a traffic impact study done.
- There is a 30 km School Zone in the area.
- Once the lots are consolidated, consideration could then be given to the site circulation and access.
- Instead of berming the northern property line, the proposal is to maintain the current hedge on the property line which is continuous.

Judy Shoemaker, School District No. 23

- They do not wish to consolidate the sites at this time as the same servicing will be required and the current access to the site would have to be dug up.
- There will be students walking in between the 2 sites, so safety may be a concern if access to the site is through the small parcel.
- Trying to alleviate congestion by creating a separate parking lot for students.
- The joining of the driveways is not currently being considered as most school driveways will have a pipe gate to prevent access outside of normal school hours.
- Sidewalks currently exist along the front of the site.
- The access being proposed is an existing access that has been in existence for the past 50 years.
- Believes that access will be right-in and right-out.
- Advised that there is no 3-way stop at Gordon Drive and Raymer Road.
- Would be agreeable to removing the hedge.

Staff:

- There is no indication from the Transportation Division that staff will be restricting access to the site.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 10:08 p.m.

Certified Correct:

Public Hearing

November 25, 2008

Mayor

City Clerk

SLH/sb