

Public HearingMarch 24, 2009

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, March 24th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Planner, Paul McVey; 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 6th, 2009, and by being placed in the Kelowna Daily Courier issues of March 16th, 2009, March 17th, 2009 and March 18th, 2009 (correction), and in the Kelowna Capital News issue of March 15th, 2009 and March 18th, 2009 (correction), and by sending out or otherwise delivering 288 letters to the owners and occupiers of surrounding properties between March 6th, 2009 and March 11th, 2009.

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. 10022 (Z08-0116) – Alan Dyck – 1155 Toovey Road - THAT Rezoning Application No. Z08-0116 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 15, Section 24, Township 26, ODYD, Plan 23445, located at 1155 Toovey Road, Kelowna, BC from the A1- Agricultural 1 zone to the A1- Agricultural 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 Black Mountain Irrigation District being completed to their satisfaction;

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 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. No one came forward.

- 3.2 Bylaw No. 10023 (Z09-0004) – Cherry Lane Homes Ltd./(Peter Teschner) – 1386 Tanemura Crescent - THAT Rezoning Application No. Z09-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 13, Township 26, O.D.Y.D., Plan KAP86150, located on Tanemura Crescent, Kelowna, B.C. from the RU1 – Large lot Housing zone to the RU1(s) 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 final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District and Ministry of Highways being completed to their satisfaction.

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. No one came forward.

- 3.3 Bylaw No. 10024 (Z08-0110) – John and Louanne Ranney – 885 Wardlaw Avenue - THAT Rezoning Application No. Z08-0110 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 135, ODYD, Plan 25900, located at 885 Wardlaw Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

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

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. No one came forward.

- 3.4 Bylaw No. 10025 (Z08-0019) – Kinnikinnik Developments Inc. and Glenmore Ellison Improvement District/(Kinnikinnik Developments Inc.) – 3650 & 4001 Finch Road, (West of) Glenmore Road North, 1890, 2230 (North of) McKinley Road, (West of) & 3280 Slater Road - THAT Rezoning Application No. Z08-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of; Lot B, Sec. 33, Twp. 23, O.D.Y.D., Plan KAP78845; Frac. NE ¼, of Sec. 29, Twp. 23, O.D.Y.D. said to contain 91 acres more or less; NW ¼, Sec. 28, Twp. 23, O.D.Y.D.; SW ¼, Sec. 28, Twp. 23, O.D.Y.D.; Lot 1, Sec. 21 & 28, Twp. 23, O.D.Y.D., Plan KAP78846; NW ¼, Twp. 23, Sec. 21, O.D.Y.D., Exc. Plans DD24364, and 18402; That part of the NW ¼ of Sec. 21 Shown on Plan B3562, Twp. 23, O.D.Y.D., Exc. Plan 17265; Lot A, Sec. 21, Twp. 23, O.D.Y.D., Plan 17265 Exc. Plan KAP50960; located on Glenmore Road,

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Finch Road, and Slater Road, Kelowna, B.C., to the revised; CD18 – Vintage Landing Comprehensive Resort Development Zone, P3 – Parks And Open Space Zone, P4 – Utilities and W2 – Intensive Water Use Zone, as shown on Map “B” attached to the report of Community Sustainability Division, dated February 10, 2009, be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered concurrent with the final adoption of OCP amending Bylaw 10097 and Text amendment Bylaw 10098.

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of the Environmental Development Permit for subdivision.

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

- Letters of Opposition:
 - Richard Drinnan, 669 Greene Road
 - Joseph R. Gordon on behalf of Richard Drinnan, 102-1433 St. Paul Street
- Letter of Inquiry:
 - Brenda Aynsley, 3972 Finch Road
- Letter of Concern:
 - DG Flintoft, 2010 McKinley Road (2)
- Letter of No Objection:
 - Sandy Mah, Regional District of Central Okanagan, 1450 KLO Road
 - Al W. and Vivian Kuhn, 4000 Glenmore Road North
- Letter of Response:
 - Grant Gaucher, 200-3275 Lakeshore Road (3)

Staff:

- Clarified the correspondence from Richard Drinnan and Joseph R. Gordon.
- Clarified the correspondence from Brenda Aynsley.
- Clarified the correspondence from DG Flintoft.

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

Joseph R. Gordon, on behalf of Richard Drinnan, 102-1433 St. Paul Street

- Read the letter that was submitted by Richard Drinnan.
- This application should have been considered at the same time as the text amendment to the CD zone and OCP amendment. The text amendment and the OCP amendment were considered at the October 28, 2008 Public Hearing.
- It is difficult to determine how many units the applicant is actually planning for.
- Mr. Drinnan feels that there is no accountability or details available to the public.
- Any rezoning should be deferred until all the unanswered questions and concerns have been addressed.

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Staff:

- Clarified why there were no specific units noted in the revised Summary Table of the Council Report and that staff could have more clearly identified that the number of units intended to be constructed on the site has not changed.
- The Development Permit being referenced is actually an Environmental Development Permit and typically staff do not comment on, nor consider layouts of golf courses. The layout of the golf course will not be before Council for comment.
- Clarified staff's understanding of the location of the No. 2 T-Box.
- The original rezoning would have been the best opportunity for the public to comment on the layout of the golf course.

Doug Flintoff, 2010 McKinley Road

- Read from a written letter and provided it to staff for the Council file.
- Concerned with the proximity of the golf course to his residence.
- Believes that he should have the opportunity to comment on the form & character of any Development Permit that is issued with respect to this application.
- Feels that he does not have any long-term assurances or guarantees that the No. 2 T-Box will not intrude on the privacy of his residence.
- Would like the rezoning and Development Permit deferred until his questions and concerns are dealt with.
- The No. 2 T-Box is approximately 30 to 60 feet from his residence.
- He was the original owner of the entire property and he subdivided and sold the property to the current owner/applicant.
- In hindsight, he should have changed the location of his residence so that it would be further away from the property line.
- He currently has an Easement on a portion of the property which does not expire until 2013. The Easement is for GEID so that they can have access to the reservoir for their purposes.
- Ultimately he would like the applicant to provide a greater buffer zone between the No. 2 T-Box and his residence and have this secured by a long-term Easement or Restrictive Covenant.
- He does not feel that he can provide a buffer along his property to help mitigate his concerns due to the topography. He cannot erect any type of screening as he is right up against his property line.

Renee Wasylyk, Troika Developments

- Commented on the servicing requirements being requested by the City.
- Would like Council to enforce the obligation made by the applicant to include sanitary sewer service.
- Would like this matter addressed prior to this rezoning being dealt with.
- Currently having to go through a bonding mediation process and advised that if this is not successful, a law suit could be filed against the City.
- There is no Latecomer Agreement in place as far as she is aware.

Staff:

- The servicing requirements have to be met prior to adoption of the bylaw. The servicing requirements are being dealt with through the City's Engineering Department.
- Staff are working with Ms. Wasylyk and the applicant to try to resolve this matter.
- The City has not yet paid for its portion of the sewer line.

Joe Gordon, on behalf of Richard Drinnan

- He thought that Mr. Gaucher was going to pay all servicing costs related to this development.
- Does not feel that DCC's should be used to pay for the servicing to this development.

Staff:

- Confirmed that the developer is paying for the services to this site.

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- Advised that the distance between Mr. Flintoff's boundary and the No. 2 T-Box is approximately 25 meters.
- There is 5 meters difference between the T-Box placement and top of the knoll. The T-Box will be 5 meters below the knoll.
- If the T-Box is moved over to the west, it would actually be more visible from Mr. Flintoff's residence.
- Did discuss with Mr. Flintoff buffering along his property boundary by planting natural vegetation, including wild roses, and 6 foot security fencing.
- Was only approached by the City a few months ago with respect to Ms. Wasylyk's concerns and have not had enough time to properly deal with this matter.
- There are further issues that play in the Wasylyk matter and he feels that this is not the place to bring up those issues.
- It is possible the entire boundary of the Flintoff property will be fenced (down to the reservoir) and along Mr. Flintoff's north boundary far enough to block his visibility. He is willing to work out the issue with Mr. Flintoff to both parties' satisfaction.
- Agrees that the matter with Troika Developments has to be dealt with.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:58 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk