

Public HearingApril 20, 2010

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, April 20th, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillors Andre Blanleil and Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Parks Planning Manager, Terry Barton*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 April 1, 2010, and by being placed in the Kelowna Daily Courier issues of April 12, 2010 and April 13, 2010, and in the Kelowna Capital News issue of April 11, 2010, and by sending out or otherwise delivering 383 letters to the owners and occupiers of surrounding properties between April 1, 2010 and April 9, 2010.

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. 10309 (Z10-0010) - Bryana and Bradley Greenhalgh - 475 Taylor Road - THAT Rezoning Application No. Z10-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 22, Township 26, ODYD, Plan 28652, located at 475 Taylor Rd, 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 a Building Permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering and Rutland Waterworks 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.

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Paul Greenhalgh, Applicant's Representative

- Nothing further to add, but will answer any questions.

There were no further comments.

- 3.2 Bylaw No. 10310 (OCP10-002 and TUP10-0001) - City of Kelowna - 3326 Lakeshore Road - THAT OCP Bylaw Text Amendment No. OCP10-0002 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 Land Use Management Department, dated March 11th, 2010, 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 Land Use Management Department dated March 11th, 2010;

AND THAT the OCP Bylaw Amendment No. OCP10-0002 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council authorize Temporary Use Permit No. TUP10-0001 to allow "Non-Accessory Parking" on Lot 27, District Lot 14, ODYD, Plan 2708, located at 3326 Lakeshore Road, Kelowna, B.C, as shown on Map "A" attached to the report of the Land Use Management Department, dated March 11th, 2010, subject to the following conditions:

- a) That the area required for the parking lot be landscaped and fenced in accordance with Schedule 'A';
- b) That a hard, dust free surface be provided for this parking area.

Staff:

- Gave a presentation regarding the Gyro Park Parking Lot.
- The timeframe for the closure of the 26 stall Lakeshore/Richter Parking Lot will be July 15, 2010.
- The timeframe for the new temporary gravel parking lot with 48 parking stalls is June 15, 2010.
- The temporary parking lot is being proposed for a 2-4 year period in order to allow staff the time to explore structured parking opportunities for the Gyro Beach area.
- There will be wrench fencing installed around the perimeter of the parking lot. The fence is more to prevent vehicular access rather than pedestrian access to the lot. There is already an existing fence along one side of the property.
- Will consider a pedestrian gateway to the lot.
- A temporary asphalt sidewalk will be constructed along the Lakeshore Road side of the property.
- The vehicular access gate will be open from 6:00 am - 10:00 pm and will be closed after 10:00 pm by the City's security personnel.
- Litter control for the parking lot will be placed on the City's maintenance cycle.

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

- Letter of Opposition:
 - Ellen-Anne O'Donnell & Eric Miller, 4-3300 Watt Road
- Letters of Concern:
 - Albert Weisstock, Witmar Holdings Ltd., 100-3195 Walnut Street
 - Jay & Joanne Gordon, 12-3300 Watt Road
 - Dale Ostrom, 2-3300 Watt Road

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. 10312 (Z09-0060) - FAA Enterprises Ltd and Frank Aiello/Frank Aiello - 4170 McClain Road - THAT Rezoning Application No. Z09-0060 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 75, Sections 2 and 3, Township 26, ODYD, Plan 1247, located at McClain Road, Kelowna, BC, 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 a Building Permit is applied for prior to final adoption of the zone amending bylaw.

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.

- 3.4 Bylaw No. 10313 (LUC09-0001) and Bylaw No. 10314 (Z08-0113) - Thomas and Marlene Tobin - 7850 Highway 97 N - THAT Application Number LUC09-0001 to discharge the Land Use Contract 76-1055 for Lot 1, Section 34, Township 23, ODYD Plan 28654 except plan 40322 located on Highway 97 N., Kelowna, BC, be considered by Council;

AND THAT Land Use Contract number (LUC09-0001) 76-1055 be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z08 -0113 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 34, Township 23, O.D.Y.D., Plan 28654 except plan 40322, located on Highway 97 N, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s 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 subject to registration of a no-disturb/no-build covenant to preserve the steep slopes areas of the property (specifically between elevation contours 456m-474m and between 485m-496m);

AND FURTHER THAT an occupancy permit is issued for the suite be applied for prior to final adoption of the zone.

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- The subject property is not within the Agricultural Land Reserve and the City requires the "S" designation in order to allow the mobile home to remain on the 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.

Thomas Tobin, Applicant

- Nothing further to add, but will answer any questions.

There were no further comments.

- 3.5 Bylaw No. 10315 (Z09-0082) - Andre and Eileen Blanleil/Maurice and Shannon Blanleil - 4439 Wallace Hill Road - THAT Rezoning Application No. Z09-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B District Lot 360 ODYD Plan 31395, located at 4439 Wallace Hill Rd, Kelowna, B.C. from the RR2 - Rural Residential 2 zone to the RR2s - Rural Residential 2 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 Development Engineering Branch, Interior Health Authority, and South East Kelowna Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to receipt of a Building Permit application for the secondary suite.

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

- o Letter of No Objection:
 - Domenic & Oliva Rampone, 2825 Balldock Road
- o Letter of Opposition:
 - Tom & Ornella Allen, 4451 Wallace Hill Road

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

Maurice & Shannon Blanleil, Applicants

- The property has been owned by Mr. Blanleil's family since 1947 and they are now purchasing the property.
- Would like to build a new residence on the property for his family and include a secondary suite as a "mortgage helper".
- The location of the log home will not be visible and mature landscaping will be done along the berm.
- Submitted comments regarding the concerns raised in Mr. Allen's correspondence.
- The side of the suite that will be facing Mr. Allen's property will be used for mostly storage and should not impact his privacy.
- The location of the septic field has been determined and is far enough away from Mr. Allen's property that it should not be an issue.
- The soil in the area is basically sand and gravel.
- Will be leaving the trees in place that currently exist on the site.

There were no further comments.

- 3.6 Bylaw No. 10317 (Z10-0003) - Wayne and Laurie Deleurme/Wayne Deleurme - 340 Moubray Road - THAT Rezoning Application No. Z10-0003 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, Section 5, Township 23, ODYD, Plan KAP74910, located at Moubray Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone be considered by Council;

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

AND THAT a No build/no disturb restrictive covenant be provided to protect the steep slope as specified by the Environmental Branch;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering department and Glenmore 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.

Wayne Deleurme, Applicant:

- Nothing further to add, but will answer any questions.

Gallery:

Denis Hicks, 346 Moubray Road

- Concerned about the slope of the land as he thought there was a no build covenant on the subject property in the location where the proposed second dwelling is located.
- If the second dwelling is not built where proposed, can it be built on the land in front of their house along the easement area?
- Concerned about the extra traffic that would use the access easement road if the dwelling is built along the front of the property.

Staff:

- Confirmed that there is a No Build Covenant on the property and that a Hazardous Condition Permit will be required as well as prior consent from the City.
- The access easement agreement would have to be amended if the second dwelling was built in front of the current dwelling as it would be considered a strata dwelling unit.

Wayne Deleurme, Applicant

- Will not be constructing a second dwelling at the top of the property as he does not want to obstruct his view.
- Believes that the proposed location for second dwelling is the best place for it as he will never utilize that area of the subject property.
- Confirmed that he is planning to replace the gravel driveway with asphalt.

There were no further comments.

- 3.7 Bylaw No. 10318 (TA10-0001) - Kettle Valley Holdings Ltd/New Town Architecture Services Inc. - 5920 Chute Lake Road - THAT Zoning Bylaw Text Amendment No. TA10-0001 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedules "A" and "B" of the report of the Land Use Management Department dated March 17, 2010 be considered by Council;

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AND THAT Zoning Bylaw Text Amendment No. TA10-0001 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the amending bylaw be considered in conjunction with Council's consideration of a Development 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.

Pat McCusker, New Town Architecture Services Inc., Applicant's Representative
- Nothing further to add, but will answer any questions.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:18 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld