

Public HearingOctober 5, 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, October 5th, 2010.

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

Council members absent: Councillors Robert Hobson and Angela Reid.

Staff members in attendance were: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:06 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 September 17, 2010, and by being placed in the Kelowna Daily Courier issues of September 27, 2010 and September 28, 2010, and in the Kelowna Capital News issue of September 26, 2010, and by sending out or otherwise delivering 239 letters to the owners and occupiers of surrounding properties between September 17, 2010 and September 24, 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. 10412 (Z10-0042) - Timothy Valeriotte - 2569 Benvoulin Road - THAT Rezoning Application No. Z10-0042 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, District Lot 130, ODYD Plan 20646, located at 2569 Benvoulin Road, Kelowna, BC, 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 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 the Development Engineering Branch being completed to their satisfaction and that the current business operating out of the subject property be relocated.

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Staff:

- Confirmed that there is an existing, operational, septic field on the subject property and that it is Interior Health's responsibility to ensure that any concerns or issues with the septic field is addressed.

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.

Tim Valeriotte, Applicant

- As far as he is aware, the septic field is in good working condition and should be able to accommodate the future use of the site.

There were no further comments.

- 3.2 Bylaw No. 10414 (Z10-0050) - Philip & Donna Long - 939 Mount Royal Drive - THAT Rezoning Application No. Z10-0050 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 29, Section 30, Township 26, ODYD Plan 17272, located at 939 Mount Royal Drive, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s 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 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 the Building and Permitting branch and the Development Engineering branch being completed to their satisfaction.

Staff:

- Advised that the Applicants have provided letters of support from a majority of the surrounding property owners.

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

- o Letters of Concern:
 - Laird Stovel, 671 Royal Pine Drive
 - Sylvie Laporte, 1181 Montrose Place

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

Phil Long, Applicant

- At the time he conducted the survey of the neighbourhood, the home located at 1181 Montrose Place was vacant.
- Advised that he has no intention of constructing a second storey for the residence.
- Would like to convert an existing wheelchair accessible bed & breakfast suite into a normal secondary suite so that it can be used by his daughter's caregiver.
- Advised that the driveway on the site is large enough to accommodate on-street parking and currently he is able to park five (5) vehicles in the driveway without any issues.

There were no further comments.

- 3.3 Bylaw No. 10415 (Z10-0064) - Bradley Westen - 1071 Henderson Drive - THAT Rezoning Application No. Z10-0064 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, Section 24, Township 26 ODYD Plan KAP89034 located at 1071 Henderson Drive, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) 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 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 Black Mountain 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.

- 3.4 Bylaw No. 10416 (OCP10-0013/TUP10-0002) - Becky & Andrew Habib and Sally Bloomfield (Croc Talk - Doug Ilman & Brenda Bruce) - 4493 Stewart Road East - THAT OCP Bylaw Text Amendment No. OCP10-0013 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 August 25, 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 August 25th, 2010;

AND THAT the OCP Bylaw Amendment No. OCP10-0013 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the OCP Bylaw Amendment No. OCP10-0013 be considered in conjunction with Council's consideration of a Temporary Use Permit on the subject property.

Staff:

- Confirmed that there is a process to extend the length of a Temporary Use Permit; however given the length of time that staff have already worked with the Applicants, staff would be reluctant to support an extension.

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.

Doug Ilman & Brenda Bruce, Applicants

- Agrees with staff's comments regarding the application.
- Would be willing to provide business information with respect to "Croc Talk" should Council request it.

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Gallery:

Nicholas Swart, 4621 Stewart Road East

- Advised that he supports the application, but would prefer the City deal with these types of land use transgressions earlier in the process.

Staff:

- Confirmed that the Temporary Use Permit would only apply to the "Croc Talk" business.
- Advised that Land Use Management staff are working with Bylaw Enforcement staff ensure that these types of land use transgressions on agricultural lands are addressed.
- Confirmed that staff will be giving consideration to exotic animal commercial businesses as a permitted use under the Zoning Bylaw.

Brenda Bruce, Applicant

- Advised that City staff have worked a lot with them to rectify any concerns and issues relating to this application.

City Clerk:

- Advised that staff are not required to find alternative land use zones in order for commercial businesses to comply with the land uses in place.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:30 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk