

Public HearingNovember 16, 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, November 16th, 2010.

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

Staff members in attendance were: City Manager, Ron Mattiussi; 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 6:05 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 2, 2010, and by being placed in the Kelowna Daily Courier issues of November 8, 2010 and November 9, 2010, and in the Kelowna Capital News issue of November 7, 2010, and by sending out or otherwise delivering 3,090 letters to the owners and occupiers of surrounding properties between October 29, 2010 and November 5, 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. 10437 (Z10-0080) - Paramjit and Mandeep Bal (Axel Hilmer Planning Consultant) - 1329 Nishi Court - THAT Rezoning Application No. Z10-0080 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, Section 13, Township 26, ODYD Plan KAP87484, located on Nishi Court, Kelowna, BC from the RU1h - Large Lot Housing zone (Hillside Area) to the RU1hs - Large Lot (Hillside Area) 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 FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

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

- o Letter of Opposition:
 - Steve Butler, BSR Projects, 1294 Samurai Court

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

Axel Hilmer, Axel Hilmer Planning Consultant, Applicants' Representative

- Nothing further to add to staff's comments.

There were no further comments.

3.2 Bylaw No. 10438 (Z10-0077) - Etsuko Ikari (Jim Nastos) - 170 Bryden Road - THAT Rezoning Application No. Z10-0077 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 8, Section 27, Township 26, ODYD Plan 11286, located on Bryden Road, Kelowna, BC 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 Black Mountain Irrigation District being completed to their satisfaction.

Staff:

- Advised that that "S" designation is being applied for so that the suite within the existing residence can be legalized.

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.

Cindy Ikari, Applicant's Representative

- Advised that when her mother purchased the property fifteen (15) years ago, there was already a suite in the residence. Once it was brought to her mother's attention that the suite was illegal, she made application to the City for the proposed rezoning to the "S" designation.

There were no further comments.

Mayor Shepherd advised that Agenda Items 3.3 to 3.7 will be dealt with at the same time as they are all related to each other.

3.3 Bylaw No. 10435 (OCP09-0012) - City of Kelowna - To create the Industrial - Limited Designation in Chapter 19 - Future Land Uses and Bylaw No. 10434 (TA10-0008) - City of Kelowna - Industrial Zones - I6-Low Impact Transitional Industrial Zone - THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning

Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

- 3.4 Bylaw No. 10441 (OCP10-0017) and Bylaw No. 10436 (Z09-0035) - Matthew James Ewonus (Protech Consultants Ltd.) - 3130 Sexsmith Road - THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

- 3.5 Bylaw No. 10442 (OCP10-0018) and Bylaw No. 10443 (Z10-0092) - Kimberly and John Berg (Protech Consultants Ltd.) - 3150 Sexsmith Road - THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

- 3.6 Bylaw No. 10444 (OCP10-0019) and Bylaw No. 10445 (Z10-0093) - Kimberly & John Berg and Shanny & Marlin Toews (Protech Consultants Ltd.) - 3170 Sexsmith Road - THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

- 3.7 Bylaw No. 10446 (OCP10-0020) and Bylaw No. 10447 (Z10-0094) - 567752 BC Ltd. (Protech Consultants Ltd.) - THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

Councillor Stack joined the meeting at 6:15 p.m.

The City Clerk advised that no correspondence and/or petitions had been received with respect to Bylaw No. 10435 (OCP09-0012) and Bylaw No. 10434 (TA10-0008).

The City Clerk advised that the following correspondence and/or petitions had been received with respect to Bylaw No. 10441 (OCP10-0017) and Bylaw No. 10436 (Z09-0035):

- Letter of Support:
 - Lorne & Hanna Lund, 3080 Sexsmith Road

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The City Clerk advised that the following correspondence and/or petitions had been received with respect to Bylaw No. 10442 (OCP10-0018) and Bylaw No. 10443 (Z10-0092):

- Letter of Support:
 - Lorne & Hanna Lund, 3080 Sexsmith Road

The City Clerk advised that no correspondence and/or petitions had been received with respect to Bylaw No. 10444 (OCP10-0019) and Bylaw No. 10445 (Z10-0093).

The City Clerk advised that no correspondence and/or petitions had been received with respect to Bylaw No. 10446 (OCP10-0020) and Bylaw No. 10447 (Z10-0094).

Staff:

- Provided further details with respect to the types of uses being proposed for the new I6 - Low Impact Transitional Industrial Zone.
- Advised that, at this stage in the process, traffic concerns have been identified by staff.
- Advised that there will be a certain level of urbanization required for the area in order to complete the rezoning process.

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

Andrew Bruce, Site 360 Consulting, Applicants' Representative

- Believes that the requested zoning is self-explanatory.
- Advised that there will be upgrades required to Sexsmith Road as a result of the rezoning process as Sexsmith Road is identified as a DCC Road.
- Advised that the Applicants will be contributing to the construction of Palomino Road.
- Believes that the proposed rezoning will benefit the general area.
- Advised that there are very limited agricultural operations in the area and that the subject properties are not part of the Agricultural Land Reserve.

Gallery:

Wayne Ongman, 2936 Appaloosa Road (Lot 4)

- In favour of the rezoning as he feels that it will benefit the entire Sexsmith area.

Walter Hopp, 3156 Appaloosa Road (Lot 12)

- Believes that this is a great opportunity for the area and is in support of the rezoning.

Lee Oswald, Realtor, MacDonald Realty Ltd.

- Believes that the City of Kelowna is changing and that this rezoning would be a great benefit to the area.
- In favour of the rezoning.

Jim Harder, 3066 Appaloosa Road (Lot 9)

- In favour of the rezoning.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 6:36 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk