

Public HearingMarch 8, 2011

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 8<sup>th</sup>, 2011.

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

Council members absent: Councillors Andre Blanleil and Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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.

Councillor Craig joined the meeting at 6:06 p.m.

The Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on February 18, 2011 and by being placed in the Kelowna Daily Courier issues of February 28, 2011 and March 1, 2011, and in the Kelowna Capital News issue of February 27, 2011, and by sending out or otherwise delivering 1331 letters to the owners and occupiers of surrounding properties between February 18, 2011 and February 25, 2011.

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. 10482 (Z10-0096) - Thomas Gruendel (Regjis Enterprises) - 540 Osprey Avenue - THAT Rezoning Application No. Z10-0096 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot 19, D.L. 14, ODYD, Plan 3769, located at 540 Osprey Avenue from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial, 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 Permit on the subject property;

AND 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to required rear lane dedication.

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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.

Robert Gaspari, Applicant's Representative

- Nothing further to add to staff's comments.
- Advised that the development will either have two (2) or three (3) different entry points; however, the exact number will not be established until the bottom floor commercial tenant is determined.

There were no further comments.

- 3.2 Bylaw No. 10484 (OCP11-0001 and TUP10-0003) - P 218 Enterprises Ltd./P 218 Enterprises Ltd. & Wayne Holdings Ltd. - 459 Groves Avenue and 437 & 442 Newsom Avenue - THAT OCP Bylaw Text Amendment No. OCP11-0001 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 February 4, 2011, 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 February 4, 2011;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP11-0001 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.

Gallery:Robert Moore, 430 Newsom Avenue

- Not opposed to allowing for the temporary use of the property for the construction of Sopa Square, but does object to Newsom Avenue being used as a construction access road.
- Commented that there has not been any consultation between the applicant and himself regarding his traffic concerns.
- Is opposed to the use of Newsom Avenue as the access point to the construction zone as he is concerned with the amount of traffic generated by the construction vehicles with children in the area.
- Expressed a concern with the hours of operation of the construction vehicles.
- Expressed a concern with the amount of dirt on Newsom Avenue as a result of the construction vehicles and advised that a street sweeper did clean up the road, however it did so at midnight.
- Expressed a concern that the construction vehicles do not have their loads covered.
- Inquired why the construction vehicles don't use the road access between Groves Avenue and Newsom Avenue to access the construction site.
- Believes that there are at least two (2) alleyways in the area that could be used as alternative roads to access the construction site.

Public HearingMarch 8, 2011Jack & Carol Campos, 426 Newsom Avenue

- Expressed a concern with how the dirt on Newsom Avenue as a result of the construction site.
- Expressed a concern with how the street is being cleaned.
- Not against the development, but would like the access to the construction site changed.

Stacey Fenwick, Sopa Square, Applicants' Representative

- Advised that access off of Newsom Avenue is necessary during the excavation of the site as the laneways will not yet support the construction vehicles. If the construction vehicles used the laneways prior to it being asphalted, they could potentially damage the services that were just installed in the roadway. The laneways in the area are not big enough to support the turning radius of the construction vehicles being used in the excavation.
- Advised that the excavation of the site will take approximately 4-6 weeks. Once the excavation has been completed, the construction vehicles will use Groves Avenue to access the construction site.
- Advised that she will instruct the Project Manager to do a better job keeping the roadway clean and to ensure that the construction vehicles cover their loads.
- Advised that car wash certificates were distributed to the residents in the area.

Ed Marrow, Project Manager, Sopa Square

- Advised that it is difficult to clean the street with the street sweeping during below zero temperatures.
- Will commit to having the street sweeper clean the street between 6:00 pm and 7:00 pm every night.
- Advised that the hours of operation for the construction site are Monday to Saturday, 7:00 am to 4:30 pm.
- As soon as the access road between Groves Avenue and Newsom Avenue has asphalt, it can be used to access the construction site.
- Confirmed that he has spoken with the City's traffic control staff in order to determine the current access point being used to the construction site.
- Advised that the development signage that will be reinstalled on the site is approximately 40' x 12'.

Staff:

- Advised that Soil Removal Permits are issued through the subdivision approval process.
- Advised that there are conditions that need to be met with respect to the use of roadways by construction vehicles.

There were no further comments.

- 3.3 Bylaw No. 10474 (Z10-0089) - Jennifer Hindle - 5560 Lakeshore Road - THAT Rezoning Application No. Z10-0089 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 15, Township 28, S.D.Y.D., Plan KAP59239, located on Lakeshore Rd., Kelowna, BC 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 a building permit for the suite be applied for prior to final adoption of the zone.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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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.

Jennifer Hindle, 5560 Lakeshore Road

- Is constructing a home for family use and wants a self-contained suite for her personal use, and therefore, is requesting a rezoning to the "s" designation.

Gallery:

Stacey Fenwick on behalf of Ed Fenwick, 5570 Lakeshore Road

- Advised that her father, Ed Fenwick, is in full support of the proposed rezoning.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:47 p.m.

Certified Correct:

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Mayor

SLH/dld

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Deputy City Clerk