

Public Hearing

May 15, 2012

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, May 15th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blancheil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:01 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" 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 being posted on the Notice Board at City Hall on April 27, 2012 and by being placed in the Kelowna Capital News issues on May 4, 2012 and May 8, 2012, and by sending out or otherwise delivering 1184 letters to the owners and occupiers of surrounding properties between April 27, 2012 and May 4, 2012. For convenience, information regarding this Public Hearing is also available at kelowna.ca.

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

Councillor Stack declared a conflict of interest due to control of property within the notification area through Society of Hope and departed the meeting at 6:04 p.m.

- 3.1 Rezoning Application No. Z12-0016 - Jaswinder Bhatti, Bakhshi Ram Bhatti and Satyawati Bhatti (Jaswinder Bhatti) - 545 All Star Court - THAT Rezoning Application No. Z12-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 27, Township 26, ODYD plan KAP74409, located on All Star Court, 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 the suite be eligible for final occupancy 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.

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

Letter of Opposition:

Allan Maxted, 320-4500 All Star Court

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

Applicant

- Present and available to answer questions.

Council:

- Confirmed with staff that there is adequate off street parking and all parking requirements have been met.

There were no further comments.

Councillor Stack rejoined the meeting at 6:07 p.m.

- 3.2 Rezoning Application No. Z12-0018 - Patricia Rust - 120 Klassen Road - THAT Rezoning Application No. Z12-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 35, Township 26, ODYD plan 20195, located on Klassen 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 the suite be eligible for final occupancy 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 Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

The Applicant was not present.

There were no further comments.

- 3.3 Rezoning Application No. Z12-0010 - Giuseppina Guarini-Pugliese - 652 Royal Pine Drive - THAT Rezoning Application No. Z12-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10m, Section 30, Township 26, ODYD plan 43005, located on Royal Pine Drive, 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;

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AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

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

Letter of Support:

Deanna and Laird Stovel, 671 Royal Pine Drive

Letter of No Objection:

Bryan St George, 647 Royal Pine Drive

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

Council:

- Confirmed with staff that there is adequate parking.

Applicant

- Present and available to answer questions.

There were no further comments.

4. **TERMINATION:**

The Hearing was declared terminated at 6:09 p.m.

Certified Correct:

Mayor

ACM/dld

Keehan

Deputy City Clerk

Regular MeetingMay 15, 2012

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, May 15th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors @Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 6:09 p.m.

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Public Hearing - May 1, 2012
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Moved by Councillor Stack/Seconded by Councillor Singh

R468/12/05/15 THAT the Minutes of the Regular Meetings of May 1, 2012 and the minutes of the Public Hearing of May 1, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

Councillor Stack declared a conflict of interest due to control of property within the notification area through Society of Hope and departed the meeting at 6:04 p.m.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

4.1 Bylaw No. 10693 (Z12-0016) - Jaswinder Bhatti, Bakhshi Ram Bhatti and Satyawati Bhatti - 545 All Star Court

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R469/12/05/15 THAT Bylaw No. 10693 be read a second and third time.

Carried

Councillor Stack rejoined the meeting at 6:11 p.m.

4.2 Bylaw No. 10694 (Z12-0018) - Patricia Rust - 120 Klassen Road

Moved by Councillor Stack/Seconded by Councillor Given

R470/12/05/15 THAT Bylaw No. 10694 be read a second and third time.

Carried

Regular MeetingMay 15, 2012**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 4.3 Bylaw No. 10695 (Z12-0010) - Giuseppina Guarini-Pugliese - 652 Royal Pine Drive

Moved by Councillor Given/Seconded by Councillor Stack

R471/12/05/15 THAT Bylaw No. 10695 be read a second and third time and be adopted.

Carried

5. **THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.**

The Deputy City Clerk advised that the Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise delivering 12 letters to the owners and occupiers of surrounding properties between April 27, 2012 and May 4, 2012.

The Deputy City Clerk advised that the Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on April 27, 2012, and by being placed in the Kelowna Capital News issues on May 4, 2012 and May 5, 2012 and by sending out or otherwise delivering 1260 letters to the owners and occupiers of surrounding properties between April 27, 2012 and May 4, 2012.

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 No. 309.

6. **LIQUOR LICENSE APPLICATION REPORTS**

- 6.1 Land Use Management Department, dated April 20, 2012 re: Liquor Licensing Application No. LL12-0003 - Gallagher's Canyon Golf & Country Club - 4320 Gallaghers Drive West Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

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

Letter of Support:

Sharon Maslen, 4346 Gallagher's Fairway South

Letter of No Objection:

Dr. Kathy Blockhold, 4142 Gallagher's Forest South

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

Ken Cox, Applicant, 525 Still Pond Lane
- Clarified food primary entrance location.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Basran

R472/12/05/15 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved that:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Gallagher's Canyon Golf Club at 4320 Gallaghers Drive West, Kelowna BC, (legally described as Lot 2 Section 2 Township 26 Osoyoos Division Yale District Plan Kap82436, and an undivided 1/32 share in common Lot 1 Plan Kap63646 (See Plan as to limited access) and an undivided 1/384 share in common Lot G Plan Kap53116 (See Plan as to limited access) and an undivided 1/24 share in common Lot 7 Plan Kap71295 (see plan as to limited access) for an expansion to the existing Liquor Primary licensed area, are as follows:

- a) **The potential for noise if the application is approved:**
No increase in noise is expected compared to current circumstances.
- b) **The impact on the community if the application is approved:**
The potential for negative impacts is considered to be minimal.
- c) **View of residents.**
The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."
- d) **Recommendation:**
Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

Carried

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Land Use Management Department, dated April 19, 2012 re: Development Variance Permit Application No. DVP12-0047 - Scott W. Hartnell (Mullins Drafting and Design Inc.) - 5280 Lakeshore Road City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

Letters of Concern:

Robert and Penny Caley, 5268 Lakeshore Road
Mary Hungerford, 5276 Lakeshore Road

Mayor Gray 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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Gallery:

Bob Drunkemolle, 5260 Lakeshore Road

- Speaking on behalf of Mary Hungerford at 5276 Lakeshore Road.
- Mrs. Hungerford has an issue with the side yard variance reduced to 2 m setback on the north side but is mostly concerned with the potential damage or destruction of the trees between the properties.

Lee Mullins, Representing Client

- Currently there are large fir trees on site that will be wrapped; committed to ensuring protection of the trees.
- Landscaping will be monitored by EcoScapes.
- Will do their part to minimize any impact.
- If trees die after the building is complete the Applicant, in good faith, will replace them.

There were no further comments.

Moved by Councillor Zimmermann/Seconded by Councillor Blanleil

R473/12/05/15 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0047, for Lot A, Section 22, Township 28, S.D.Y.D., Plan KAP69655, located on Lakeshore Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

- a) Section 12.1.6 (a) RR1 Development Regulations:
To vary the maximum permitted site coverage from 10% permitted to 30% proposed,
- b) Section 12.1.6 (d) RR1 Development Regulations:
To vary the minimum side yard from 3.0 m required to 2.0m proposed
(as per Schedule "A")

Carried

- 7.2 Land Use Management Department, dated March 21, 2012 re: Development Variance Permit Application No. DVP12-0021 - Stephen & Elizabeth Foster - 4637 Fordham Road City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

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

Council:

- Clarified with staff that this is not an application for a secondary suite.

Applicant

- The intended use of the building is for a woodworking shop and has no intention of putting in a suite.

There were no further comments.

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R474/12/05/15 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0021, for Lot 10, District Lot 357, O.D.Y.D., Plan 17105, located on Fordham Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6.5.7 Accessory Development - lot coverage:

To vary the maximum allowable lot coverage for an accessory building from 90m² permitted to 157 m² proposed (as per Schedule "A")

Section 13.1.6 (b) Development Regulations - building height:

To vary the maximum height permitted for an accessory building from 4.5m to 5.7m proposed.

Carried

8. REMINDERS

Annual Rutland May Days Parade, Saturday May 19th.

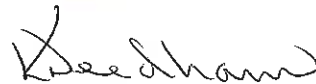
9. TERMINATION

The meeting was declared terminated at 6:32 p.m.

Certified Correct:

Mayor

ACM/dld



Deputy City Clerk