

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 2nd, 2012.

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

Council members absent: Andre Blanleil, Mohini Singh

Staff members in attendance were: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Director Land Use Management, Shelley Gambacort; and Deputy City Clerk, Karen Needham.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:06 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 14, 2012 and by being placed in the Kelowna Capital News issues of September 21, 2012 and September 25, 2012, and by sending out or otherwise delivering 1107 letters to the owners and occupiers of surrounding properties between September 14, 2012 and September 21, 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
 - 3.1 Bylaw No. 10755 (Z11-0082) - Bernard & Christine Rinas - 4165 Wallace Hill Road - THAT Rezoning Application No. Z11-0082 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel B (DD 278127F) of Lot A, Section 3, Township 26, ODYD, Plan 12667, located at 4165 Wallace Hill Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House 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 subject to the decommissioning of the existing mobile home to the satisfaction of the Manager, Building & Permitting;

AND THAT final adoption of the zone amending bylaw be considered subject to the registration of a Section 219 Restrictive Covenant which restricts future use of the mobile home to accessory uses (i.e. non-dwelling) only;

Public HearingOctober 2, 2012

AND THAT final adoption of the zone amending bylaw be considered subject to the requirements of Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT the suite be eligible for final occupancy prior to final adoption of the zone.

Staff:

- Commented that there are currently 3 dwellings on the property; the mobile home will need to be decommissioned prior to final adoption.
- Clarified that the mobile home, with the removal of the stove, will be considered an accessory space, not living quarters.

The 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.

Bernard and Christine Rinas, 4165 Wallace Hill Road, Applicant

- confirmed the mobile home will remain for family use however, 220 wiring and the stove will be removed.
- clarified their understanding from staff that the mobile could be used for office space or a play area.
- confirmed they have no intent of using the mobile home for a rental unit; staff may also require a covenant on the property.
- indicated the property is approximately 1.8 acres.
- confirmed there was no opposition from surrounding neighbours.

There were no further comments.

- 3.2 Bylaw No. 10756 (Z12-0049) - Hugh & Jen Bitz - 4581 Anhalt Road - THAT Rezoning Application No. Z12-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 358, ODYD, Plan 19849, located on 4581 Anhalt Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone be, considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Staff:

- Application is to facilitate a 2 lot subdivision
- Confirmed that a RU1 zone with a variance would be an option; however, this option follows subdivision regulations within the zoning bylaw

The 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.

Hugh Bitz - 4581 Anhalt Rd, Applicant

- stated Land Use Management staff were not supportive of variances, so they pursued the subdivision and rezoning option.
- provided an architectural drawing of the proposed new lots with a new home, and a relocated house sited on the proposed new properties.

There were no further comments.

- 3.3 Bylaw No. 10757 (Z12-0046) - 564913 BC Ltd. - 1350 St. Paul Street - THAT Rezoning Application No. Z12-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 139, ODYD, Plan KAP68461 located at 1350 St. Paul Street, Kelowna, B.C. from I2 - General Industrial zone to C7 - Central Business Commercial 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 in conjunction with Council's consideration of a Development Permit on the subject property;

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.

Staff:

- Commented that landscaping will be obtained through a development permit

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

Letter of No Opposition:

Dewey Lotoski, Lotoski & Company, 202-1358 St. Paul Street

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

Kathy Higgins, Representative of 564913 BC Ltd. Inc. No.564913

-application was the result of a dust complaint; the owners were not purposely or knowingly operating in contravention of zoning regulations.

-clarified that the purpose of the rezoning is not to operate a parking lot; highest use of the land will be to develop under the C7 zone when the time is right.

-believes the temporary use is serving a need of the public and residents in the area

-reconfirmed the parking lot is considered by the applicant to be a temporary land use

-concerned about having to meet the full DP landscaping conditions for a parking lot due to the temporary nature of the use.

There were no further comments.

- 3.4 Bylaw No. 10758 (Z12-0043) - Lynae, Dennis & Darlene Igel - 391 Yates Road - THAT Rezoning Application No. Z12-0043 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Sec. 32, Twp. 26, ODYD, Plan 15293, located at 391 Yates Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with a carriage house 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 carriage house 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 department and the Glenmore Ellison Improvement District being completed to their satisfaction.

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

Additional Information:

Additional information submitted by applicant containing a letter of clarification and four (4) letters of support.

Letters of Opposition:

Lori Holloway, 385 Yates Road
 Jim and Sharon Whaley, 388 McTavish Road
 Tom Crockett, 384 McTavish Road
 Leigh Guillot, 396 McTavish Road
 Melissa and Jeremy Martin, 392 McTavish Road
 Cory Barker, 383 McTavish Road

Letter of Support:

Mark and Heidi Peacock, 392 Yates Road

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

Dennis and Darlene Igel, Applicant

- currently live with son, daughter-in-law and grandson at the subject property
- confirmed the carriage house is not intended to be a rental, rather a suite for their own use.
- the idea for the carriage house is about family; to be close to help out while the grandchildren are young, and eventually receive help from the family.
- don't believe strangers should have a say in how they decide to use their property.
- believe they are good people and make good neighbours.
- take pride in the landscaping and look of the property
- apologized for any bad feelings this application has created in the neighbourhood
- commented that they have good neighbours in the area
- thanked the Mayor and Council for their time and consideration throughout the process.
- commented that they now have great neighbours directly behind their property who are completely supportive of this application.
- provided a history of previous applications; indicated they originally had spoken to neighbours with no opposition and were surprised at the first Public Hearing by the opposition, and the defeat of their application by Council.
- re-confirmed the intent has always been to provide an affordable place for them to retire, while helping their son and family.
- believed the next application for the garage, with a loft to be converted at a later time, had addressed neighbour concerns by adding privacy windows and doubling setbacks from the property line; once again defeated by Council.
- felt all applications had been done legally and following City bylaws.
- can't understand why neighbours painted them with a negative brush as they have never done anything illegal.
- confirmed that the most affected neighbour, directly behind the Carriage House, is now supportive of the application.

Public Hearing

October 2, 2012

Gallery:

Barry Radley, 398 Yates

- has a view of both houses; believes they are not ugly or obtrusive, rather tasteful and well kept.
- believes that pooling resources to help each other is a necessary trend, highly encouraged in this family area.
- commented that the applicants were great people, and great neighbours.
- totally support the application.

Krista Koski, 394 McTavish Road

- live directly behind the proposed carriage house.
- believes there is a drainage issue in the area, however does not believe it was created by this application.
- has worked with the applicant to fix a drainage issue into their lower lot; was fixed within 2 weeks; very well done and helped with continuing improvements in their yard.
- are aware of another neighbour requesting and receiving access to the applicants yard to build a retaining wall.
- commented that the applicants have done a great job finishing property, and are excellent neighbours.
- believe the privacy windows overlooking their property do add privacy to their own home.
- provided the applicants their full support.

There were no further comments.

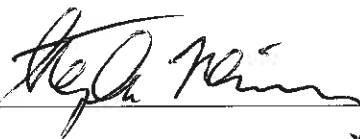
4. TERMINATION:

The Hearing was declared terminated at 6:44 p.m.

Certified Correct:

Mayor

KN/dld



City Clerk

Regular MeetingOctober 2, 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, October 2nd, 2012.

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

Council members absent: Andre Blangleil, Mohini Singh

Staff members in attendance were: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort and Deputy City Clerk, Karen Needham.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 6:44 p.m.

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Public Hearing - September 18, 2012
Regular Meeting - September 18, 2012

Moved by Councillor Stack/Seconded by Councillor Given

R897/10/12/02 THAT the Minutes of the Regular Meeting of September 18, 2012 and the minutes of the Public Hearing of September 18, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10755 (Z11-0082) - Bernard & Christine Rinas - 4165 Wallace Hill Road
To give Bylaw No. 10755 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone.

Moved by Councillor Hobson/Seconded by Councillor Zimmerman

R898/12/10/02 THAT Bylaw No. 10755 be read a second and third time.

Carried

4.2 Bylaw No. 10756 (Z12-0049) - Hugh & Jennifer Bitz - 4581 Anhalt Road
To give Bylaw No. 10756 second and third readings and adoption in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R899/12/10/02 THAT Bylaw No. 10756 be read a second and third time and be adopted.

Carried

Regular MeetingOctober 2, 2012

- 4.3 Bylaw No. 10757 (Z12-0046) - 564913 BC Ltd. - 1350 St. Paul Street
To give Bylaw No. 10757 second and third readings in order to rezone the subject property from the I2 - General Industrial zone to the C7 - Central Business Commercial zone.

Moved by Councillor Stack/Seconded by Councillor Hobson

R900/12/10/02 THAT Bylaw No. 10757 be read a second and third time.

Carried

- 4.4 Bylaw No. 10758 (Z12-0043) - Lynae, Dennis & Darlene Igel - 391 Yates Road
To give Bylaw No. 10758 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

Moved by Councillor Zimmermann/Seconded by Councillor Given

R901/12/10/02 THAT Bylaw No. 10758 be read a second and third time.

Carried
Opposed - Stack

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

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 1262 letters to the owners and occupiers of surrounding properties between September 14, 2012 and September 21, 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. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Land Use Management Department dated September 07, 2012 re: Heritage Alteration Permit Application No. HAP12-0010 - The Roman Catholic Bishop of Nelson (Christopher Fabbi) - 3685 Benvoulin 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.
To authorize the issuance of a Heritage Alteration Permit in order to allow an addition to an existing caretaker's cottage; to authorize a variance to the provisions of Zoning Bylaw No.8000 in order to vary the south side yard from 3.0m required to 1.5m proposed.

The 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.

Chris Fabbi, Applicant

- has been the caretaker and site manager for seven years, and is requesting the variance to increase the size of living space in the current caretaker residence.

Moved by Councillor Hobson/Seconded by Councillor Given

R902/12/10/02 THAT Council authorize the issuance of a Heritage Alteration Permit No. HAP12-0010, for Lot 1, District Lot 133, ODYD, Plan KAP81588, located on Benvoulin Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Scheduled "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B".

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 11.1.6 (d) -Development Regulations:

To vary the south side yard setback from 3.0m required to 1.5m proposed.

Carried

- 6.2 Land Use Management Department, dated September 07, 2012 re: Development Variance Permit Application No. DVP12-0146 - Mitchell Stromquist (Greg Stromquist) - 1461 Springfield 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.

To authorize the issuance of a Development Variance Permit to vary the minimum required lot depth of the RU2 zone from 30.00m required to 28.25m proposed in order to facilitate subdivision of the subject site into two lots for single family dwelling development.

The 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.

Greg Stromquist, Applicant's Representative

-confirmed the applicant has signatures of support from all neighbours

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Basran

R903/12/10/02 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0146 for Lot 3, Section 19, Township 26, ODYD, Plan 17176, except plans H14525 and 36136, located at 1461 Springfield Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.2.5(b): Minimum Lot Depth

To vary the minimum required lot depth from 30.00 m required to 28.35 m proposed.

Regular Meeting

October 2, 2012

Carried

- 6.3 Land Use Management Department, dated August 17, 2012 re: Development Variance Permit Application No. DVP12-0151 - Callahan Construction Company Ltd., Inc. No.66876 (Atlas Signs & Awning Co.) - #45 - 3155 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.
To authorize the issuance of a Development Variance Permit to vary the provisions of Sign Bylaw No.8325 from the number of signs along the west business frontage from 2 signs permitted to 5 signs proposed.

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

There were no comments.

Moved by Councillor Stack/Seconded by Councillor Zimmerman

R904/12/10/02 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0151 for Lot 2, District Lot 14 & 135, ODYD, Plan KAP54407, located at 3155 Lakeshore Road, Kelowna, B.C.;

AND FURTHER THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

Section 6.1 - Number of Signs permitted in the C4 zone:

To vary the permitted number of signs along the west business frontage from 2 signs permitted to 5 signs proposed as per schedule 'A'.

Carried

7. REMINDERS

City Clerk: DRAFT RESOLUTION

Re: Travel Authorization - Ironman Bid - Tampa, Florida

Moved by Councillor Given/Seconded by Councillor Hobson

R905/12/10/02 THAT Mayor Gray be authorized to travel to Tampa, Florida to attend the City of Kelowna Ironman Canada 2013 Bid Presentation to Ironman International on September 22-25, 2012, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-011-0-001.

Carried

8. TERMINATION

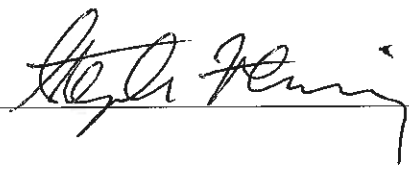
The meeting was declared terminated at 7:08 p.m.

Regular Meeting

October 2, 2012

Certified Correct:

Mayor



City Clerk

ACM/dld

DRAFT