

Public HearingJanuary 15, 2013

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, January 15, 2013.

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

Council members absent: Councillor Maxine DeHart.

Staff members in attendance were: Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Acting Director, Policy & Planning, Shelley Gambacort; Long Range Planning Manager, Gary Stephen; Planner Specialist, Graham March\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:00 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. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 14, 2012 and by being placed in the Kelowna Capital News issues of January 4, 2013 and January 8, 2013, and by sending out or otherwise delivering 626 letters to the owners and occupiers of surrounding properties between December 14, 2012 and December 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 309.

3. INDIVIDUAL BYLAW SUBMISSIONS
  - 3.1 Bylaw No. 10753 - Official Community Plan Bylaw Text Amendment Application No. OCP12-0012 - City of Kelowna - Miscellaneous Text Amendments - The City of Kelowna is proposed to proceed with miscellaneous amendments to Official Community Plan Bylaw No. 10500 based on staff-initiated policy and map changes.

Staff:

- Recommended that Attachment #11 to the Report to Council, being the property located at 1840 Gallagher Road, be removed from the OCP Land Use Amendments as it is not necessary due to a Statutory Right of Way already registered on the title to the subject property.
- Reviewed the proposed miscellaneous text amendments and responded to questions from Council.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

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- 3.2 Bylaw No. 10786 - Rezoning Application No. Z12-0065 - Danco Developments Ltd. (Protech Consultants Ltd.) - 1650 KLO Road - The applicant is proposing to rezone a portion of the subject property in order to facilitate a future two (2) lot subdivision.

## Staff:

- Responded to questions from Council regarding the Agricultural Land Commission's comments with respect to the subject property.
- Advised that the portion along Birtch Road will be excluded from the Agricultural Land Reserve.

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

- o Petition of Opposition:
  - Petition of Opposition signed by 44 owners/occupants of the surrounding properties as submitted by Rita Louise Parker and Walter L. Viita of 1358 Ladner Road
- o Letter of Support:
  - W.H. Bill Berard, 1740 KLO Road

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

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- Provided historical background information regarding how the property was included within the Agricultural Land Reserve's boundary.
- Displayed a site plan with respect to the extension of Burtch Road.
- Read an excerpt of a letter from the Agricultural Land Commission regarding the inclusion of the property into the Agricultural Land Reserve.
- The current owner purchased the property back in 2007.
- There is history with the property that the current owner was unaware of when he purchased the property.
- Responded to questions from Council.

## Gallery:

Rita Parker, 3158 Ladner Road

- Concerned about the neighbourhood.
- Confused as to whether or not the property is within the Agricultural Land Reserve or not.
- Believes that the property is agriculturally viable.
- Believes that the developer really wants to increase density on the site.
- Concerned with statements made in the Report to Council of November 2012.
- Expressed a concern with heavier traffic and the affect on her quality of life.
- Concerned about the environmental impact on the neighbourhood in general.
- Expressed a concern with the loss of agricultural lands within the City.
- Opposed to the rezoning.

Walter L. Vitta, 1358 Ladner Road

- Read a prepared statement on general land use planning principles and the concept of zoning as practised by the City of Kelowna.
- Opposed to the rezoning.

Ted Porter, 1293 Bothe Road

- Opposed to the rezoning due to a lack of clarity of future use of the lands.

Shona Harrison, 946 Laurier Avenue

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- Objects the rezoning as the property is in the Agricultural Land Reserve and believes that the property is agriculturally viable.
- Opposed to the property being excluded from the Agricultural Land Reserve.

Bill Burrard, 1740 KLO Road

- The property was purchased by his grandfather in 1918.
- Provided historical background information regarding the subject property.
- Believes that the subject property is not agriculturally viable.
- Supports the rezoning.

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- The proposed zoning will only allow up to a three (3) lot subdivision.
- The work required by the Agricultural Land Commission will be undertaken once the rezoning application is either adopted or defeated.

## Staff:

- Responded to questions from Council regarding staff discussions with the Agricultural Land Commission back in 1999.
- Confirmed that the captions for the photographs on page 5 of the staff report incorrectly make reference to a "proposed RV site".

There were no further comments.

3.3 Bylaw No. 10789 - Rezoning Application No. Z12-0066 - Peter & Charlene Jones (Axel Hilmer) - 925 Kennedy Street - The applicant is proposing to rezone the subject property in order to construct a carriage house.

The City Clerk advised that no following 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.

Axel Hilmer, Applicants' Representative

- Advised that the proposed development will be similar to one that is kitty-corner to this property.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:27 p.m.

Certified Correct:

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Mayor

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City Clerk

/slh