

Public HearingOctober 4, 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, October 4<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: Acting City Manager, Jim Paterson; 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 6:01 p.m.
2. Mayor Shepherd 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 16, 2011 and by being placed in the Kelowna Daily Courier issues of September 26, 2011 and September 27, 2011, and in the Kelowna Capital News issue of September 27, 2011, and by sending out or otherwise delivering 1,514 letters to the owners and occupiers of surrounding properties between September 16, 2011 and September 23, 2011. For convenience, information regarding this Public Hearing is also available at [kelowna.ca](http://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 Rezoning Application No. Z11-0060 - DRS Ventures Ltd. (DE Pilling & Associates Ltd.) - 1800 Crosby Road - THAT Rezoning Application No. Z11-0060 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of The South East ¼ of Section 5 Township 23 ODYD Except Plan 896, located at 1800 Crosby Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agricultural 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 final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone amending bylaw.

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

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- Letters of Opposition:
  - Lisa Watson, 1869 Crosby Road
  - Ed & Pam Schulz, 264 Ranchill Court
- Letter of Concern:
  - Janice Clark, 236 Crossridge Crescent (2)

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

Andy Sandhu, Applicant

- Confirmed that Crosby Road ends at his driveway.
- Confirmed that the trail is located within his property's boundary.
- Believes that he is within his right to put a secondary suite within the principal residence.
- Advised that he was approached by City staff some time ago who inquired as to whether or not he would be prepared to sell his property so that the City could develop a park in the area, but that to date, no agreement has been forthcoming by City staff.

Staff:

- Provided clarification with respect to the Applicant's proposed rezoning.
- Provided some background information with respect to the previous discussions between the Applicant and City staff regarding the potential purchase of the subject property by the City for park development.

Andy Sandhu, Applicant

- Advised that prior to purchasing the subject property, he contacted City staff to inquire as to the future of Crosby Road and was advised that Crosby Road would be extended in the future.
- Confirmed that he intends to live in the principal dwelling and that it has already been constructed.

City Clerk:

- Provided a brief synopsis of the Official Community Plan amendment and rezoning application that the Applicant previously submitted with respect to the subject property, which was not approved by Council.

There were no further comments.

- 3.2 Rezoning Application No. Z11-0059 - Fred and Shelley Schmidt (C. Gavel Homes and Consulting) - 1455 Collison Road - THAT Rezoning Application No. Z11-0059 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot E, Section 22, Township 26, ODYD, Plan 11943, located on 1455 Collison Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone, be considered by Council;

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

AND THAT a Development Permit for the form and character of the second dwelling be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.

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

- Letters of Opposition:
  - Anne Freeman, 1475 Collison Road
  - Fred & Marilyn McRae, 1470 Collison Road

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

Clint Gavel, C. Gavel Homes and Consulting, Applicants' Representative

- Advised that the proposed structure will replace the current structure on the property.
- Confirmed that both the Advisory Planning Commission and Land Use Management staff supported the proposed rezoning.
- Believes that the proposed rezoning application is consistent with the Official Community Plan.
- Advised that the recommendations suggested by Advisory Planning Commission will be addressed by the property owners.

There were no further comments.

- 3.3 Official Community Plan Amendment No. OCP11-0004 and Rezoning Application No. Z11-0034 - Worman Commercial - 565, 591, 615, 641 Osprey Avenue and 564, 594, 616, 636 Raymer Avenue - THAT Resolution **R820/11/08/22** be rescinded;

AND THAT OCP Bylaw Amendment No. OCP11-0004 to amend Map 4.1 of the *Kelowna 2030* - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from the Multiple Unit Residential - Medium Density designation to the Commercial designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 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 July 29, 2011;

AND THAT Rezoning Application No. Z11-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to the C4 - Urban Centre Commercial Zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP11-0004 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration

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AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Fire Department, Development Engineering Branch and Fortis BC being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties as proposed;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the lane closure and the registration of Statutory Right of Ways for Public Utilities and Public Access;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to a 15m road dedication for the Tutt Street link between Osprey and Raymer Avenues.

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

- Letters of Concern:
  - Judy Shoemaker, School District #23, 685 Dease Road
  - Gail Cleator, 313-877 KLO Road
  - Debra Schmidt, 305-538 McKay Avenue
  - Lee Clark, 615 Osprey Avenue
- Letters of Support:
  - Ron Robertson & Grant Robertson, Robertson's Clothing and Shoes, 2801 Pandosy Street
  - Rob Archibald, Royal LePage Kelowna, 1-1890 Cooper Road

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

Shane Worman, Worman Commercial, Applicant's Representative

- Believes that the development proposal meets the intent of the Official Community Plan for the South Pandosy Area.
- Believes that the South Pandosy area has "live" and "play", but needs "work".
- Believes that first-class, office space is essential for a vibrant community.
- Confirmed that the application before Council has been revised and that the development proposal now includes four (4) structures rather than the original six (6) structures.
- Advised that the development plans include flex-space for the fourth floor. Under the C4 - Urban Centre Commercial zone, if it is deemed necessary, the fourth floor could be developed for residential purposes rather than commercial. This allows the developer the flexibility to incorporate a residential component should the market deem this appropriate.
- Advised that all of the parking requirements for the C4 - Urban Centre Commercial zone have been met.
- Advised that he held a meeting with the KLO Neighbourhood Association on October 3, 2011 to review the development proposal for the site.
- Provided comment with respect to his discussions with School District #23 regarding the District's concerns.

Gallery:  
Richard Borroughs, 2425 Taylor Crescent

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- Advised that he is speaking on behalf of the KLO Neighbourhood Association and confirmed the Association's support for the application.
- Advised that the Association did have some safety concerns with respect to the development and it's proximity to the school in the area, but since meeting with Mr. Worman, he feels that those concerns have been addressed.

Edsard Van Steenberg, 524 Sarsons Road

- In favour of the application.
- Advised that he moved to Kelowna a year ago and is currently looking for office space within the South Pandosy Area.
- Believes that the development will be an asset to the area.

David McDougall, 4174 Gallaghers Forest South

- Advised that he owns the Blends coffee shop right next door to the subject property and is in favour of the application.
- Believes that the development proposal will bring more amenities to the South Pandosy Area and that is type of development is good for the City of Kelowna.

Lyndon Thomas, 4488 Nottingham Road

- Currently lives and plays in the South Pandosy area and would really like to work there too.
- In favour of the application.
- Advised that he would be interested in moving his business to the location should it be approved by Council.

Christine Pinette, 2663 Bath Street

- In favour of the application.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:03 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/dld