

Public HearingApril 20, 1999

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, April 20, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors M.I. Bremner, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and J.D. Leask.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, F.B. Pritchard; Special Projects Planning Manager, H.M. Christy*; Long Range Planning Manager, L.V. Foster; Planning & Development Officers, A. Bruce and G. Routley; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) 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.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 6th, 1999, and by being placed in the Kelowna Daily Courier issues of April 12th and 13th, and in the Kelowna Capital News issue of April 11th, and by sending out or otherwise delivering 590 letters to the owners and occupiers of surrounding properties between April 1st and 6th, 1999.

In addition, notice of the amendments proposed under the first item on the agenda, which is carried forward from an earlier public hearing, was provided to Canadian Homebuilders Association (Kelowna Chapter), Kelowna Downtown Business Association, Urban Development Institute (Kelowna Chapter) and the Kelowna Residents'/Neighbourhood Associations.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8367 (City of Kelowna Zoning Bylaw 8000 – Text Amendment No. TA99-005) – City of Kelowna - The proposed amendments to the City of Kelowna Zoning Bylaw No. 8000 are a result of a review of the bylaw and include clarification of existing definitions, refinements to regulations concerning accessory buildings and outside storage, clarification of regulations and diagrams governing landscaping, revision of selected parking standards, clarification of side yard setbacks in individual zones, renaming the Airport zone from Industrial to Comprehensive Development, and corrections to mapping errors and resultant non-conformities created by the adoption of Zoning Bylaw No. 8000, as follows:
 - .1 Amending wording throughout the Bylaw for clarification, consistency and refinement within the Bylaw.
 - .2 Updating Bylaw 8000 to include clauses that were not brought forward from the previous zoning Bylaw No 4500.

- .3 Replacing the I6 Airport zone with a new zone entitled Comprehensive Development Zones - CD12 – Airport.
- .4 **Section 1 – General Administration**
 - Adding a provision to **Subsection 1.8 – Undersized Lots** to allow the RR2 zone regulations to apply to lots created with the Agricultural Land Commission approval for a home site severance.
- .5 **Section 2 – Interpretation**
 - Replacing the definitions of **Grade, Building; Mobile Home; Recycled Materials Drop-Off Centre; Retail Store, Convenience; Retail Store, General; and Sleeping Unit; and**
 - Adding a definition for **Retail Store, Service Commercial.**
- .6 **Section 6 – General Development Regulations**
 - Amending **Subsection 6.3 Yards** by including wording that would allow more flexibility for agricultural or rural residential lots;
 - Amending **Subsection 6.4 Projections Into Yards** by adding wording to allow additional flexibility for projections into a required yard;
 - Amending **Section 6.5 Accessory Development** to provide a required side yard setback for mechanical equipment; and
 - Adding a new **Subsection 6.15 Storage of Materials** to regulate storage of materials in any front yard.
- .7 **Section 8 – Parking Loading**
 - Amending the parking standards in **Table 8.1 - Parking Schedule** for Group Homes, Major; General Industrial Uses and Religious Assemblies.
- .8 **Specific Use Regulations**
 - Amending **Subsection 9.6 Bed and Breakfast Homes** to provide for a maximum number of two guests per sleeping unit in a bed and breakfast home.
- .9 **Section 13 - Urban Residential Zones**
 - Setting the maximum site coverage together with paved surfaces at 50% for the **RU1 - Large Lot Housing/RU1S – Large Lot Housing with Secondary Suite, RU2 - Medium Lot Housing/RU2s – Medium Lot Housing with Secondary Suite and RU3 - Small Lot Housing;**
 - Amending **Subsection 13.10.6(b)** of the **RM4 - Transitional Low Density Housing zone** by deleting reference to building design regulations adjacent to neighbouring development; and
 - Amending **Subsection 13.11.5. (e) RM5 - Medium Density Multiple Housing zone** to allow design flexibility to infill situations.

.10 Section 14 - Commercial Zones

- Amending the C2 – Neighbourhood Commercial zone by deleting Retail Stores, General as a principal use; and
- Amending the **C10 - Service Commercial** by adding rapid drive through vehicle services as a principal use; replacing Retail Stores, General with Retail Stores, Service Commercial and by adding regulations for outside storage.

.11 Section 16 – Public & Institutional Zones

- Amending the **P2 - Education and Minor Institutional** zone by providing for residential uses as part of the purpose;

.12 Rezonings

- Changing the zoning classification of Lot 1, D.L. 129, O.D.Y.D., Plan 4738 Except Plan 41097, located on 1810 Spall Road; Lot 2, Plan 4738 and Lot 6, Plan 4738 Except Plan KAP47177, all of Sec. 20, Twp. 26, D.L. 129, Lot A, Plan KAP44697 Except Plan KAP47177; Strata Lots 1 to 4 inclusive, Plan K574, located on 1843, 1857, 1863, 1787, 1789, 1791, 1793, 1795, 1797, 1813, 1825 and 1835 Harvey Avenue from the C10 - Service Commercial zone to the C3 - Community Commercial zone; and
- Changing the zoning classification of Strata Lots 1 to 39 inclusive D.L. 142, O.D.Y.D., Strata Plan KAS2046 and Lot A, D.L. 142, O.D.Y.D., Plan KAP61232, except Plan KAS2046 located on 1950 Durnin Road from the RM5 - Medium Density Multiple Housing zone to the RM6 – High Rise Apartment Housing zone;
- Changing the zoning classification of Parcel A (DD 3829E and Plan B5986) of Lot 3, Sec. 34, Twp. 26, O.D.Y.D, Plan 3236 located on 680 Fitzpatrick Road from the C2 – Neighbourhood Commercial zone to the I1 Business Industrial zone;
- Changing the zoning classification of Lot 9, Sec. 35, Twp. 26, O.D.Y.D., Plan KAP57139 located on 3777 Highway 97 N. from the C3 – Community Commercial to the C10 - Service Commercial;
- Changing the zoning classification of part of Lot 3 D.L. 32 and 120, Sec. 14, Twp. 23, Plan 11796; Lot 1, D.L. 120, Plan 1929, Except Plan H14326; part of Lot 7, Sec. 14, Twp. 23, D.L. 32, Plan 1502, Except Plan H16596; Lot 18, Sec. 23, Twp. 24, D.L. 32, Plan 1502, Except Plan H16596 and KAP59550; Lot 19, D.L. 32, O.D.Y.D., Plan 1502, Except Plans 21657 and H16596; and Lot A, D.L. 32, Sec. 14, Twp 23, Plan KAP59550 all located on 5414, 5445, 5475, 5549, 5583, 5553, 5543, 5655, 5725, 5765, 5805, 5845, 5895, 5935, 5975, 6015, 6055, 6095, 6105, 6135, 6245, 6315, 6355, 6395, 5997, 5667, and 5837 Highway 97 N and Lot B, D.L. 122, Plan 41159 located on 4125 Conroy Road from the I6 - Airport zone to the Comprehensive Development zone CD12 - Airport;
- Changing the zoning classification of Lot A, D.L. 137, O.D.Y.D., Plan 10512, located on 1450 Sutherland Avenue from the P2 – Education and Minor Institutional to the P1 - Major Institutional;

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- Changing the zoning classification of part of Lot A, Sec. 35, Twp. 26, O.D.Y.D., Plan KAP60477, located on 3481 and 3491 Sexsmith Road from the I1 – Business Industrial to the I2 - General Industrial;
- Changing the zoning classification of Lots 1 to 75 inclusive, all of Sec. 24, Twp. 26, O.D.Y.D., Plan KAP62497, located on 129, 137, 145, 153, 161, 169, 177, 185, 193, 201, 209, 217, 225, 233, 241, 249, 257, 265, 273, 281, 289, 297, 305, 313, 321, 329, 337, 324, 304, 276, 266, 256, 246, 236, 226, 216, 206, 196, 186, 144, 136, and 128 Brighton Road; 560, 552, 544, 498, 503, 511, 519, 527, 535, 543, 551, and 567 Milton Road, 498, 506, 514, 522, 530, 538, 546, 501, 509, 517, 525, 533, 541 and 549 Harrop Avenue; 498, 508, 514, 522, 530, 538, and 546 Holbrook Road, East from the RU1 - Large Lot Housing to the RU2 - Medium Lot Housing.

The Special Projects Planning Manager advised that having worked with the new zoning bylaw for several months, staff have identified areas requiring fine tuning or correction. She briefly summarized the proposed amendments noting that a more detailed review of the amendments was presented at the April 6, 1999 Public Hearing. At that time, the Urban Development Institute asked for an opportunity to review and comment on the amendments. The UDI have now responded advising they have no concerns or recommendations to present this evening.

The City Clerk advised that the following correspondence had been received in addition to the two letters circulated when this item was presented at the Apr 6th public hearing:

- late letter from the Urban Development Institute advising they have reviewed the proposed amendments and have no concerns.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

There were no further comments.

The Special Projects Planning Manager left the Council Chamber at 7:14 p.m.

- (b) Bylaw No. 8323 Kelowna Official Community Plan Amendment No. OCP98-022 (Amendment to Abbott and Marshall Street Heritage Conservation Area Development Guidelines) – THAT Appendix 13 of City of Kelowna Official Community Plan Bylaw No. 7600 be amended to clarify Section 1.4 of the Abbott and Marshall Street Heritage Conservation Development Guidelines to clarify the approval process requirements of Heritage Alteration Permits (HAP).

The Long Range Planning Manager reviewed the amendments proposed to clarify the process for new construction and demolition activities within the Abbott and Marshall Street conservation areas. He advised that OCP amendments to clarify the approval process requirements of Heritage Alteration Permits (HAP) were presented at a Public Hearing on December 15, 1998, at which time the Friends and Residents of the Abbott Street Heritage Conservation Area Society expressed concern that demolition could occur without an adequate replacement scheme in place and suggested that further refinement may be needed to the wording. Council deferred reading consideration of the OCP amending bylaw for staff to consider the matter. At the Regular Meeting of March 8, 1999 staff presented amended wording and requested that the amended bylaw be forwarded to a new public hearing.

The Long Range Planning Manager advised that the Community Heritage Commission supports the wording that is now submitted. The amended wording clarifies that in the Abbott and Marshall Street conservation areas, a HAP is required in conjunction with the

issuance of a building permit for demolition or removal of a building, construction of a new building, or structural changes to the exterior of an existing building. The amended wording also clarifies that a building permit must be obtained for new construction prior to or in conjunction with a building permit for demolition or removal of a building.

The City Clerk advised that the following correspondence had been received:

- letter of support from Central Okanagan Heritage Society.

Mayor Gray anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

There were no further comments.

- (c) Bylaw No. 8384 (Z98-1046) – William & Lise Sinclair – Dickson Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 21, D.L. 141, O.D.Y.D., Plan 3736, located on Dickson Avenue, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that an addition is proposed to the existing single family dwelling. The addition is already under construction and will include a secondary suite above a 2-car garage that would be accessed from Dickson Avenue. An existing garage that is accessed from the rear lane would remain. Development of the subject property was initiated under Zoning Bylaw 4500 and at that time the plans conformed to bylaw requirements. However the proposed plans do not conform to the new zoning bylaw which specifies that where the development has access to a rear lane, vehicular access is only permitted from the rear lane. In order to allow the development to proceed as originally proposed a Development Variance Permit would be processed concurrently to allow the second garage to be accessed from Dickson Avenue.

Responding to questioning, the Current Planning Manager confirmed that there is *potential* for a suite above the garage at the rear of the property but there are no kitchen facilities within that garage and the zoning allows for the principal dwelling and one suite only on the site.

The City Clerk advised that the following correspondence had been received:

- letter from Donalda Smith, 1567 Bedford Avenue, expressing concern that the house is too large for the lot and for the neighbourhood.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

The applicants indicated they had nothing to add at this time.

There were no further comments.

- (d) Bylaw No. 8385 (Z98-1052) – Lakeshore Dental Centres Inc. (Stacey March) – Gaggin Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan KAP55532, located on Gaggin Road, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU2s zone.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised the rezoning would allow the continuing use of an existing secondary suite that is located in the basement of the single family dwelling. The house was moved onto the property in 1995 and has since been rented up and down as separate suites. The form of development will remain as it is today, appearing like a small bungalow, with no exterior changes. The Inspection Services Department has provided a list of items that would have to be completed for the suite to meet Building Code requirements.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

The applicant indicated she was available to answer questions but had nothing to add at this time.

There were no further comments.

- (e) Bylaw No. 8387 (Z99-1022) – Shato Holdings Ltd. (City of Kelowna) – Harvey Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 127, O.D.Y.D., Plan 35133, located on Harvey Avenue, Kelowna, B.C., from the C9 – Tourist Commercial zone to the C4 – Town Centre Commercial zone in order to allow development of the site for uses permitted in the C4 zone.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the zone was incorrectly translated for this property when Zoning Bylaw No. 4500 was replaced by the new Zoning Bylaw No. 8000. As a result the existing White Spot restaurant becoming non-conforming. The error was not realized until an application was received from White Spot for a Development Permit for an outdoor patio.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 7:43 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn