

Public HearingMay 18, 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, May 18, 1999.

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

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Acting-Current Planning Manager, A. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; Development Engineering Manager, S. Muenz*; 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 "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 29, 1999, and by being placed in the Kelowna Daily Courier issues of May 10th and 11th, 1999, and in the Kelowna Capital News issue of May 9, 1999, and by sending out or otherwise delivering 437 letters to the owners and occupiers of surrounding properties between April 29th and May 1st, 1999.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8408 (Z98-1054) – Colin Day (Tom Smithwick, Porter Ramsay) – Lone Pine Drive (end of) - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part of the S.E. ¼ of Sec. 24, Twp. 26, O.D.Y.D., except Plans KAP54413, KAP58342 and KAP59957, as shown on Map "A" attached to the report of the Planning & Development Services Department dated April 14, 1999, located on Lone Pine Drive, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RU1 – Large Lot Housing zone in order to allow development of the site for uses permitted in the RU1 zone.

Councillor Day declared a conflict of interest as owner of the subject property and left the Council Chamber at 7:03 p.m.

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and advised that Council approved rezoning a portion of the property in 1994 to accommodate a 60 lot subdivision. However, although the map that was attached to the official zone amending bylaw correctly identified the boundary of the area rezoned, the boundary of the rezoned area was incorrectly transposed onto the City's consolidated zoning maps. The applicant is now requesting that the additional 8.7 ha portion of the property be rezoned to reflect the boundary shown on the City's consolidated zoning maps. The property is within Area Structure Plan No. 11 and future development of the subject property beyond 60 lots would be contingent upon adoption of ASP 11. The application was reviewed and supported by the Advisory Planning Commission and Planning Department staff have no objection to the subject application as it comprises only the area of the previous mapping error.

Public Hearing

May 18, 1999

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

- letter from Mr. Don Wilkins, 1035 Toovey Road, expressing concern that the road requirements that were a condition of the original application Z92-1016 will not be met.
- letter from Harvey Kilbrei, 862 Toovey Road, expressing concern about pedestrian safety with no sidewalk on the lower part of Toovey Road and the settlement of pavement in front of 845 Toovey Road.

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

Mr. Tom Smithwick, representing the applicant, advised that the owner's engineer met with a City engineer on the site and both concluded that what little settling of pavement there has been in front of 845 Toovey Road occurred over the last 20 years and has nothing to do with this application or the original application in 1994. He further advised that the applicant is not asking for any lots at this time but rather is simply attempting to correct the mapping error. Mr. Smithwick advised he is prepared to discuss the road issues and other concerns that have been raised in the correspondence if that is Council's wish. However, he noted those issues do not relate to land use and may be premature at this time.

The Director of Planning & Development Services confirmed that the road and other issues would be dealt with through the Area Structure Plan and subdivision processes.

Responding to questioning, Mr. Smithwick advised that a report will be coming forward to Council shortly regarding the status of road improvements to date noting there are engineering issues that have to be addressed in order to develop beyond 45 lots.

The Subdivision Approving Officer advised that preliminary subdivision approval has been given for up to 40 lots of which 33 now have final approval and approximately 20 are built on.

There were no further comments.

Councillor Day returned to the Council Chamber at 7:16 p.m. and took his place at the Council Table.

- (b) Bylaw No. 8386 (Z98-1045) – The Okanagan Sikh Temple and Cultural Society, Kelowna (R. Turik, Turik Neumann Architects) – 1125 & 1145 Rutland Road North - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots A & B, Sec. 26, Twp. 26, O.D.Y.D., Plan 32402, located on Rutland Road North, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone in order to allow development of the site for uses permitted in the P2 zone.

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the applicant proposes to rezone and consolidate the two lots for development of a new temple for the society. The existing temple is on the adjacent site to the south and would be retained as a separate parcel for ancillary uses to the temple. The single family dwelling on the site is identified as a Class 'C' heritage building; however, the Community Heritage Commission has determined that the building is not in its original condition and so removal of the building is not an issue. The Advisory Planning Commission reviewed the application and recommended support with suggestions that have been considered by the applicant and staff.

The Acting-Current Planning Manager noted the temple society anticipates no more than 150 people attending the temple on Sundays for the current and immediate future.

Parking requirements are based on 1 stall per 5 seats although temples have no seats. However, based on the 1:5 ratio and the 140 parking stalls that are provided, up to 700 people could be accommodated on the site. The Rutland Road access is not seen as a favourable aspect of the development but use of that access would continue, restricted to right-in/right-out turning movements with the security gate only being opened for events at the temple. A new access would also be constructed off Sumac Road. Development within the institutional zone does not require a Development Permit but the applicant has provided a concept plan of what is proposed. The applicant is committed to save as many trees on the site as possible. Staff recommend support for the application.

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

Mayor Gray invited the applicant to come forward.

Mr. Bob Turik, project architect, showed photos of the subject property and surrounding lands pointing out the gated access off Rutland Road and the proposed new access location off Sumac Road in alignment with Ortt Road. He noted the intent is not to consolidate the subject property with the existing temple site because the society still does not know how the existing temple facility will be used, other than that the use would comply with the P2 zone. However, parking on both properties would be protected through covenant. Mr. Turik drew attention to the existing landscaping shown in the photos and advised that all the green areas would be retained around the perimeter and throughout the property plus more green area would be introduced along with a substantial amount of trees in the parking lot. He also noted that this facility faces internally instead of to the street unlike other similar facilities in the community.

A member of Council commented that the temple society have also agreed to preserve as much of the materials as possible for re-use in the community when the Class 'C' heritage house is demolished.

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

Mr. Pat Whitbread, 180 Sumac Road East, advised his property is directly across from the proposed Sumac Road access and his concern would be the traffic if all 120 vehicles had to use Sumac to access the site. He asked that the access onto Rutland Road be maintained so all traffic does not have to flow out onto Sumac. He also noted that if no Development Permit is required for this development, the public will have no opportunity to comment on the size of the structure, etc.

The Acting-Current Planning Manager reiterated that the Rutland Road access would continue to be used and confirmed that once the zoning is in place the applicant could proceed with any uses permitted by the zone. The conceptual drawings provided by the applicant indicate a 2-storey building elevation of contemporary style. The P2 zone would limit the floor area and lot coverage.

Mr. Whitbread expressed concern that if the society does not intend to build for 2-3 years, the conceptual drawings could change and the public would have no opportunity for input. The Acting-Current Planning Manager advised that there is a balance between building mass and the overall site area. The zone also restricts building height to maximum 3 storeys or 13½ metres.

Mr. Whitbread advised that the potential size and mass of the building are of concern, particularly since the plans presented are just conceptual and could change completely before the temple gets built given the growing number of Sikhs in the community. There is already a traffic problem on Sumac Road. He indicated his concerns would definitely be eased if the height of the building could be restricted to maximum 2 storeys and enquired whether the area residents would be able to connect to the extended sewer line.

The Acting-Current Planning Manager confirmed that the applicant would be required to extend sanitary sewer to the limits of the property being rezoned and that the adjacent owner could then apply for a further extension of the line. The Development Engineering Manager added that there are two trunks bringing sanitary sewer to the area and even though the trunk extension via this development may bring sewer close, due to the grading of the land sewer may not be available to the adjacent residences as they may have to connect to a different trunk.

Council considered asking the applicant to voluntarily agree to register a covenant to restrict the height of the building to 2 storeys and apply for a voluntary development permit.

The City Clerk advised that it would be necessary to keep the public hearing open until after the covenant was in place so that the public could comment on that restriction before the public hearing was closed. He recommended that if Council has concerns they would like dealt with before proceeding further, the public hearing should be adjourned for staff to address the concerns with the applicant and report back at an extension of this public hearing.

The Director of Planning & Development Services clarified that under the Municipal Act institutional uses are exempt from Development Permits.

Responding to questioning, the Acting-Current Planning Manager reiterated that there is more than enough parking but equating the amount of parking on site to the occupancy load it would be 600 people in the proposed temple and another 100 in the existing temple south of the site. The parking would be shared in a mixed arrangement throughout the entire site. So, the proposed building could have up to a 600 capacity load based on the parking provided. The building permit process makes sure the applicant addresses the parking requirements of the bylaw. The lot coverage for the site is split – there is a 40% maximum lot coverage for buildings and a 60% limitation on lot coverage and parking combined.

A member of Council commented that almost every church in town exceeds 3 storeys at least with their steeple.

Mr. Bob Turik, project architect, re-addressed Council to state that the footprint is for a 2-storey building and the applicant intends to comply with the criteria of the P2 zone. There is already extensive landscaping and it would be enhanced. It was the temple society that asked that the access off Rutland Road also be retained. The primary use of the temple would be on Sundays. The configuration of the proposed building could change throughout the process but the design would be complementary to the neighbourhood. He added that a 3-storey building would require an elevator and that he is not aware of any 3 storey places of worship within this community. Mr. Turik advised that the applicant would not agree to a voluntary Development Permit.

Dr. Gary Randhawa, temple building committee, advised that the proposed building would be about 18,000 sq. ft. on each floor. The building would not be more than 2 storeys but there would be a small dome in the centre of the building that would be attractive and add to the grace. They hope funding will be in place to allow construction to start in the year 2000 and an open house would be held for everyone in the community to see the building. Cars are parked on the site for only a few hours. The existing temple would be used primarily on Saturdays and Sundays and the use would be temple related. Dr. Randhawa advised they went house to house through the neighbourhood and told the residents of their plans and that they would continue to keep the neighbourhood informed. The temple would be open to the community.

Council agreed not to adjourn the public hearing on this application.

There were no further comments.

The Development Engineering Manager left the Council Chamber at 8:11 p.m.

- (c) Bylaw No. 8402 (Z99-1010) – G. & M. Contracting Ltd. (Gil Deleurme) – 460 Wigglesworth Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 12, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP52738, located on Wigglesworth Crescent, Kelowna, B.C., 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.

Mayor Gray asked that the next item on the agenda be presented concurrently with this application.

The Acting-Current Planning Manager indicated the two properties on maps displayed on the overhead projector and advised that both rezonings would permit secondary suites. Both buildings are under construction. The plans submitted comply with the zoning and staff recommend support of the application.

The City Clerk advised that no correspondence or petitions had been received on either of these two applications.

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

Mr. Terry Balfour, representing the applicant, commented that the buildings blend completely with the neighbourhood and both properties are oversize with ample off-street parking provided.

There were no further comments.

- (d) Bylaw No. 8403 (Z99-1009) – G. & M. Contracting Ltd. (Gil Deleurme) – 464 Wigglesworth Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 13, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP52738, located on Wigglesworth, Kelowna, B.C., 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.

See discussion under item No. (c).

Public Hearing

May 18, 1999

- (e) Bylaw No. 8417 (Z99-1023) – Anton & Maria Wolf (Lambert & Paul Construction Ltd.) – 860 McCurdy Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 62, D.L. 143, O.D.Y.D., Plan 426, Except Plans 17786 and A12969, as shown on Map "A" attached to the report of the Planning & Development Services Department dated April 21, 1999, located on McCurdy Road, Kelowna, B.C., from the C9 – Tourist Commercial zone to the I2 – General Industrial zone in order to allow development of the site for uses permitted in the I2 zone.

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the applicant is proposing to subdivide the property in two in order to rezone the northerly portion for development of a freight terminal facility with 23 loading docks. The new owner of the adjacent property to the east has verbally agreed to dedicate the required road reserve for the extension of Mayfair Road. Staff recommend that the road issue be dealt with under the subdivision application. Environment staff advise that the open ditch that serves as a drainage corridor is identified as an unconfirmed wetland in the wetland inventory and that the open ditch would function better to filter pollutants out of the water than would a catchbasin or other piped drainage feature. The Advisory Planning Commission recommends support for the application subject to the requirements of the Transportation Division being met. Staff also recommend favourable consideration of the rezoning application with fourth reading of the zone amending bylaw subject to the subdivision being finalized.

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.

Mr. Lambert Schmalz, applicant, commented that there were two small problems, one being the road right-of-way that was not registered and that seems to be resolved, and if the same drainage plan can be used for this development as was used in the McCurdy corner area then there should be no problem.

It was noted those are technical issues that are not related to the public hearing which deals with land use only.

Mr. Wayne Rains of Advance Precast on Stremel Road immediately north of the subject property, stated he supports the proposed rezoning and development but that he would like to be on record regarding the proposed future road. For 18 years someone has wanted to put a road through his property but the proposed alignment to extend Mayfair Road makes no sense. It would make more sense to get on with extending Hollywood Road north to Findlay Road to Highway 97.

The Acting-Current Planning Manager advised that the proposed road extension is acknowledged as a local road not a major grid road and is seen as a benefit to the area as a local road and nothing more. Access will be secured to the back half of the subject property with this application; options are still being considered for the final road alignment. A decision regarding the Mayfair extension will be made as the area redevelops.

Mr. Darrell Beatty, 765 Stremel Road, stated he supports Mr. Rain's suggestion for the road extension, noting the proposed Mayfair Road extension would go through his property as well.

There were no further comments.

Public HearingMay 18, 1999

- (f) Bylaw No. 8418 (Z99-1017) – 564913 B.C. Ltd. (Don Kerr, Main Street Kelowna) – 1347, 1353, 1357 & 1379 Ellis Street - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, D.L. 139, O.D.Y.D., Plan 432; Lot 10, D.L. 139, O.D.Y.D., Plan 432; Lot A, D.L. 139, O.D.Y.D., Plan 1667, and a part of Parcel Z (Plan B7376), D.L. 139, O.D.Y.D., Plan 645 as shown on Map "A", located at 1353, 1357, 1379 and 1347 Ellis Street, Kelowna, B.C., from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone in order to allow development of the site for uses permitted in the C7 zone.

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that the lots are completely covered by buildings. The rezoning would convert the building uses from industrial to commercial. The applicant has also applied for a lot line adjustment in order to have the lot lines coincide with the tenant demising walls. The applicant has also applied for a development permit to allow façade improvements to the entire building frontage. Parking would be secured by way of covenant on the adjacent lot to the north which is also owned by the applicant. Staff recommend support.

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.

Mr. Don Kerr, applicant, advised the buildings were old fruit storage buildings and are structurally substantial. The exterior appearance is unfortunate at this point but will be upgraded over a period of 5 years to accommodate a range of uses. The space is limited between the parking lot and Ellis Street but they will do what they can to provide a landscape buffer, likely planters on the surface. There are no plans to incorporate residential uses in the project at this point.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:40 p.m.

Certified Correct:

Mayor

BLH/bn

City Clerk