

Public HearingJune 22, 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, June 22, 1999.

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

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

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 Acting-City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 7<sup>th</sup>, 1999, and by being placed in the Kelowna Daily Courier issues of June 14<sup>th</sup> and 15<sup>th</sup>, 1999, and in the Kelowna Capital News issue of June 13<sup>th</sup>, 1999, and by sending out or otherwise delivering 659 letters to the owners and occupiers of surrounding properties between June 5<sup>th</sup> and 7<sup>th</sup>, 1999.

The Acting-City Clerk further advised that in addition to the notices required by statute, notice of the proposed amendments to the City of Kelowna Zoning Bylaw Text Amendment No. TA99-003 and Rezoning Application No. Z99-1024, to rezone existing boarding and lodging houses from the RU6 to the proposed RU6b zone, was provided to 22 property owners and occupants.

3. INDIVIDUAL BYLAW SUBMISSIONS
  - (a) Bylaw No. 8429 (Z99-1018) – Lance Pilott – Houghton Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, Sec. 27, Twp. 26, O.D.Y.D., Plan 4558 Except Plans B6628 and 12644, located on Houghton Road, 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.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that a house has recently been constructed on the site. Construction approvals related to the suite have been withheld pending approval of this rezoning application. The notice sent out to notify residents in the surrounding area of this application also informed them that the subject property has subdivision potential. The proposed suite size meets the regulations of the RU1s zone. Planning Department staff encourage densification when it fits in with the character of the neighbourhood.

The Acting-City Clerk advised that no correspondence 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.

Lynn Welder of Lynn Welder Consulting advised she was available to answer questions on behalf of the applicant.

There were no further comments.

- (b) Bylaw No. 8432 (Z99-1029) – Robert & Patricia Richardson – Christleton Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, D.L. 14, O.D.Y.D., Plan 4366, located on 406 Christleton Avenue, 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.

The Current Planning Manager indicated the property on a map displayed on the overhead projector and advised that the applicant is proposing to construct a double garage at the rear of the property with a 2 bedroom suite above. The garage would be accessed from the rear lane. There is also a Development Variance Permit required and that will be considered during the Special Meeting later tonight. Staff have no concerns with the suite proposal.

The Acting-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.

Rob Richardson, applicant, advised he was available to answer questions.

There were no further comments.

- (c) Bylaw No. 8419 (City of Kelowna Zoning Bylaw Text Amendment No. TA99-003) - To amend the text of the City of Kelowna Zoning Bylaw No. 8000 by creating a new version of the RU6 - Two Dwelling Housing zone called the RU6b - Two Dwelling Housing with Boarding or Lodging House zone that would allow a Boarding or Lodging House as a secondary use.

Mayor Gray advised that this text amendment and the next agenda item would be presented concurrently.

The Current Planning Manager advised the text amendment is City-initiated in response to input received from Council and the public. Group Homes and Boarding and Lodging Houses are principal permitted uses in the RU6 zone and both are permitted to house up to 10 people. Boarding and Lodging Homes can provide up to 10 rooms with common facilities, with or without a full time caretaker. Group homes have a care component that is licensed under the Community Care Facilities Act. Since Zoning Bylaw No. 8000 was adopted, the number of applications that have come forward for boarding homes have raised concern about the impact the potential proliferation of larger units within close proximity could have on the character of a neighbourhood. The number of bedrooms permitted in the 'b' zone would be based on lot size. Applications for the 'b' zone would be administered and processed similar to applications for the 's' zone.

The Current Planning Manager indicated the properties to be rezoned concurrent with the text amendment on a map displayed on the overhead projector and advised they were identified through a search of active business licenses and through a review of current building permits. All owners have been notified of the City's intent to rezone their properties and no objections have been received. Planning Department staff will support applications for this 'b' zone whenever technical requirements are met and Council will review the appropriateness of the zoning within the context of the input received from the neighbourhood at the public hearing.

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

- late letter from Margaret Locke, 760 Glenwood Avenue, opposing the rezoning of 766 Glenwood Avenue on the basis of increased traffic congestion, noise pollution, crime and the negative impact on property values.
- late letter of support from Deborah Helf, 1813 Marshall Street
- late letter of support from Brenda Bachmann, 1812 Marshall Street

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

Responding to questioning by Council, the Current Planning Manager advised that 766 Glenwood Avenue was added to the list of properties to be rezoned between Council's initial consideration of the application and first reading of the zone amending bylaw. The people who bought that property came into City Hall to do due diligence for the provisions of the boarding home zone and were assured that what they wanted to do was permitted within the RU6 zone and it was on that premise that they bought the property. The lot size will limit them to 7 bedrooms rather than the 10 bedrooms they initially proposed.

There were no further comments.

- (d) Bylaw No. 8420 (Z99-1024) – Stephen Barber, et al (City of Kelowna) – 2319 Padosy Street, et al - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the properties listed in Schedule A attached to report of the Planning & Development Services Department dated April 14, 1999 from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing/Boarding and Lodging Houses zone in order to allow development of the site for uses permitted in the RU6b zone.

See discussion under 3(c) above.

- (e) Bylaw No. 8428 (Z99-1014) and OCP99-008 – The Roman Catholic Bishop of Nelson (Tom Smithwick/Porter Ramsay) – 620 Rutland Road North, 170 Leathead Road, and 605 Ford Road - THAT Map 15.1 – *General Future Land Use* of Schedule "A" of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600, be amended by changing the Future Land Use designation of; Lot D, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Rutland Road North, Kelowna, B.C., from Multiple Family Residential – Low Density to Multiple Family Residential – Low Density Transition as shown on Map "A";

AND THAT Map 15.1 – *General Future Land Use* of Schedule "A" of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600, be amended by changing the Future Land Use designation of Lot E, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, and Lot F, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Ford Road and Leathead Road, Kelowna, B.C., from Single/Two Family Residential to Multiple Family Residential – Low Density Transition as shown on Map "A";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot D, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, Lot E, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, and Lot F, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Rutland Road North, Ford Road, and Leathead Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone in order to allow development of the site for uses permitted in the RM4 zone.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised that a 201-unit seniors care facility is proposed for construction. Conceptual plans indicate a 3-storey, 42-unit apartment building for independent living on the northerly portion of the site, a 36-unit, 3-storey congregate care facility (semi-independent units) in the central portion of the site and a 2-storey, 123-unit licensed care area on the southerly portion of the site. Access to the site would be off Leathead and Rutland Roads with a service entrance off Ford Road. City transportation staff have determined that a traffic impact study is not required; a traffic impact study is required when trip generation of 100 vehicles in peak hour is anticipated. The applicant has committed that the care facility to the south would only be 2 storeys as would development along the west boundary. The units at the north end would likely be 3 storeys with some transition because 3½ storeys are permitted. Staff recommend support.

The Acting-City Clerk advised that the following correspondence and petitions had been received:

- 9 signature petition of concern from area residents asking that there be no entrance to the property north of the fire hydrant on Ford Road, that a berm and hedging be provided the full length of the property on Ford Road and that there be no parking permitted on Ford Road
- letter from Stuart Lowe, 4645 Rutland Road North, concerned about the traffic flow in and out of the property
- letter from Mr. & Mrs. Gordon Green, 560 Ford Road, concerned about the increase in traffic, increased taxes, decreased property values, obstruction of their view of the mountains and asking that no staff parking be permitted on Ford Road and that the development include a school zone designation and sidewalks.

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

Tom Smithwick, representing the applicant, spoke in support of the application giving an expanded description of the proposed project and advising that now that the proposal has been accepted for funding assistance by the province, design work will now proceed beyond the conceptual stage.

Responding to questions of Council, Mr. Smithwick advised that the project would not be restricted to only Catholics and that only the independent living apartments would be for sale. In the event that the applicant is successful in negotiating the acquisition of the additional two small lots on Ford Road, the intent would be to incorporate them into this project and to do that would also require rezoning.

Robert Turner, 705 Ford Road, was concerned about service trucks making deliveries to the proposed facility during early morning hours and that his panoramic view of the hills would be changed to a corridor view between the proposed 3 storey independent unit building and the church to the north.

The Current Planning Manager advised that the location of the service road could change if the two additional lots are purchased and incorporated into the project.

There were no further comments.

- (f) Bylaw No. 8430 (City of Kelowna Zoning Bylaw Text Amendment No. TA99-001)  
- To amend the text of the City of Kelowna Zoning Bylaw No. 8000 by adding (i) a definition for Boat Storage, (ii) parking requirements for Boat Storage; and (iii) Boat Storage as a Principle Use permitted in the C9 – Tourist Commercial zone.

Mayor Gray advised that this text amendment would be presented concurrently with the next agenda item which rezones a property to the new zone.

The Current Planning Manager reviewed the proposed text amendment noting it recognizes the location of the subject property and its proximity to the lake. He indicated the property on a map displayed on the overhead projector and advised the proposed facility would provide single tier boat storage for up to 139 boats. The main access would be from Truswell Road and the site would be fenced on 3 sides with a landscaping strip and landscaping islands within the site. He explained how the quick haul boat launch operation would work noting boats are stored on light weight aluminium fabricated racks that would be moved when the boat is removed so that the owner's car could be parked in the same stall. He showed the proposed Lakeshore frontage sign (Eldorado Harbour) with its nautical theme and advised that Planning Department staff have no concerns with the proposal.

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

- letter of opposition from Barbara Morrill, 3869 Truswell Road, suggesting that boat storage would detract from the residential nature of the area and result in increased traffic and reduced property values.

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

Keith Funk, New Town Planning, spoke in support of the application noting the property is currently vacant and the proposed facility introduces a transitional use for the interim until such time as the site is ultimately redeveloped. He advised that they are working through final negotiations with the City for the right to access the Cook Road boat launch. A public meeting has been held with the neighbourhood and flyers were circulated to the neighbourhood advising of this public hearing. The landscape plan proposed for the subject property includes a buffer around the perimeter and a painted steel fence with landscaping in front. The signs would be placed on Lakeshore Road so that they are visible from both directions.

Responding to questions of Council, Mr. Funk advised that the hauler is intended to pick up boats from the water and that it works like a valet service. The boat hauler would take boats from the storage area directly to the launch without use of the public road. There would be no conflict with the public trying to launch their boats because the boat hauler would queue up with the other boats and wait its turn to launch. The applicant hopes to be in operation by mid-summer this year, they would operate full day time hours with seasonal storage in winter months. Arrangements have also been made for off-site indoor storage and boats would be trailered to that location. The subject property is zoned agricultural but is not within the Agricultural Land Reserve.

The Current Planning Manager commented that the proposed operation would not impact the existing Cook Road facility and if anything would increase the efficiency of the launching facilities. The City is not asking for a management contract to manage operation of the boat launch at this time but that may be considered in future.

There were no further comments.

- (g) Bylaw No. 8431 (Z98-1030) – Bryon & Patricia Truswell (New Town Planning Services Inc.) – Truswell Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 17, Sec. 1, Twp. 25, and D.L. 134, O.D.Y.D., Plan 2714 located on Truswell Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the C9 – Tourist Commercial zone in order to allow development of the site for uses permitted in the C9 zone.

See discussion under 3(f) above.

4. TERMINATION:

The Hearing was declared terminated at 8:24 p.m.

Certified Correct:

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Mayor

Acting-City Clerk

BLH/bn