

Public HearingMarch 7, 2000

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, March 7, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson

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, A.V. Bruce; Special Projects Planning Manager, H.M. Christy; 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 February 18, 2000, and by being placed in the Kelowna Daily Courier issues of February 28 & 29, 2000, and in the Kelowna Capital News issue of February 27, 2000, and by sending out or otherwise delivering 731 letters to the owners and occupiers of surrounding properties between February 18 & 19, 2000.

The City Clerk also reminded the public that Council recent adopted a policy that establishes time limits to ensure that all speakers have an opportunity to speak.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8511 (Z99-1056) – R383 Enterprises Ltd. (Greystoke Design Ltd., Ralf Rohrlack) – 1894 Ambrosi Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 129, O.D.Y.D., Plan 10140, located on 1894 Ambrosi Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone in order to allow development of the site for uses permitted in the C5 zone.

Staff:

- The applicant is proposing to develop a martial arts instructional facility with areas for training uses, an administration area, and dormitory accommodation for visiting students or competitors.
- Parking would be provided at the rear of the site, accessed through a reciprocal access agreement with the property to the north. The easement will be continued across the subject property for the adjacent property to the south to also benefit from the access easement.
- The Advisory Planning Commission recommends support.
- A variance would be required to reduce the requirements for the minimum lot width.

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

- Late letter from Diane Wiebe, Okanagan Natural Care Centre, #3-1890 Ambrosi Road, expressing concerns about whether the on-site parking will be sufficient and about sidewalk irregularities along Ambrosi Road.

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

Ralf Rohrlack, representing the applicant:

- The proposed parking meets City bylaw requirements and if additional parking is required for extra events, they usually happen after hours or on weekends when the other businesses in the area are closed.

There were no further comments.

- (b) Bylaw No. 8510 (Z00-1001) – William & Lienne Cook – 440 Mugford Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 26, Twp. 26, O.D.Y.D., Plan 14835 Except Plan 17525, located on 440 Mugford 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.

Staff:

- The applicant is proposing to legalize the use of a second kitchen as a secondary suite within the basement of the single family dwelling.
- A covenant was registered to permit the second kitchen and there have been no complaints to indicate that the second kitchen was operated as a secondary suite.

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 had nothing to add at this time.

There were no further comments.

- (c) Bylaw No. 8513 (OCP99-012 and ASP96-004 Downtown North Area Structure Plan) – Canada Lands Company CLC Limited et al (Stantec Consulting Ltd., John Steil) – Generally Bounded by Clement Avenue, Richter Street, Recreation Avenue and Sunset Drive – THAT Section 15.1 of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended to acknowledge the adoption of the Downtown North Area Structure Plan and to incorporate the generalized future land uses identified in the Downtown North Area Structure Plan;

AND THAT all references in Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 to the “Sunset/Richter” Area Structure Plan be amended to read “Downtown North” Area Structure Plan;

AND THAT the Downtown North Design Guidelines, dated August 1999 be added to Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 for the future redevelopment of the lands encompassed by the Downtown North Area Structure Plan.

Mayor Gray advised that this bylaw and the next two items on this agenda would be presented concurrently since they are all part of one application. See discussion under item No. 3(e).

- (d) Bylaw No. 8514 (Z99-1027) – Canada Lands Company CLC Limited and City of Kelowna (Stantec Consulting Ltd., John Steil) – 990 Ellis Street, Sunset Drive 1080-1096 Ellis Street, and 425 Bay Avenue – THAT the City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Plan DD2134D, Lot 1, Plan 24595, Lot F, Plan 33137, Lot E, Plan 33137, Lot 45, Plan 462 and Lot A, Plan 61239, as shown on Schedule “C”, attached to the report from the Planning & Development Services Department dated January 19, 2000 from the I4 – Central Industrial, I2 – General Industrial, and P3 – Parks and Open Space zones to the C4 – Town Centre Commercial, I1 – Business Industrial, I4 – Central Industrial, P3 – Parks and Open Space and RM6 – High Rise Apartment Housing zones in order to allow development of the site for uses permitted in the C4 – Town Centre Commercial, I1 – Business Industrial, I4 – Central Industrial, P3 – Parks and Open Space and RM6 – High Rise Apartment Housing zones.

See discussion under 3(e).

- (e) Bylaw No. 8512 - Canada Lands Company CLC Ltd. Heritage Revitalization Agreement Authorization Bylaw (Former CN Train Station) – Canada Lands Company CLC Limited (Stantec Consulting Ltd., John Steil) – 1181 Ellis Street, 1186 St. Paul Street, and 520 Clement Avenue - THAT the Heritage Revitalization Agreement between the City of Kelowna and Canada Lands Company CLC Limited, Inc. be supported for the property described as:

Parcel Identifier: 011-820-926

Parcel A (DD41022F and Plan M44), Lot 13, District Lot 139, O.D.Y.D., Plan 1134

Parcel Identifier: 012-359-033

Parcel B on Plan B1415A, Block 42, District Lot 139, O.D.Y.D., Plan 462 shown in red on Plan M44

Parcel Identifier: 011-358-843

Parcel F on Plan B703, Block 42, District Lot 139, O.D.Y.D., Plan 462 shown in red on Plan M44

Parcel Identifier: 011-820-942

Parcel D, Plan B667 Being Part of Lot 13, District Lot 139 O.D.Y.D., Plan 1134 and Block 42, District Lot 139, O.D.Y.D., Plan 462, Now Being the Canadian National Railway Company's Right of Way as shown in red on Plan M44

Parcel Identifier: 012-358-860

Parcel G on Plan B833, Block 42, District Lot 139, O.D.Y.D., Plan 462 shown in red on Plan M44

Parcel Identifier: 011-358-975

Parcel Z (DD42851F and Plan M44), Block 42, District Lot 139 O.D.Y.D., Plan 462

Parcel Identifier: 023-123-028

Part .473 Acres more or less of Block 42, District Lot 139, O.D.Y.D., Plan 462 shown colored red on Plan M44.

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- The amendments would adopt the Downtown North Area Structure Plan into the Official Community Plan, adopt a set of Development and Design Guidelines, adopt a Heritage Revitalization Agreement, and rezone the lands between Sunset Drive and Ellis Street to accommodate the redevelopment of the lands previously occupied by CN Rail.
- The berm along Sunset Drive is also part of the rezoning application and there is a land swap that would see that strip of land consolidated with the Canada Lands property in exchange for land being added to the City-owned lot to the south.
- The generalized future land uses proposed for the area include light industrial, realignment/enhancement of Brandt Creek, multi-family residential, commercial and the existing industrial area would be retained as industrial presuming that over the 20 year timeframe it would redevelop to a more light industrial type use.
- A portion of the area is subject of a Heritage Revitalization Agreement to protect the former railway station. The HRA is a contract entered into by the City and the landowner that allows for certain types of uses in return for protection of the heritage building. The proposed HRA would allow C-4 type commercial uses on the site and indicates where an addition to the building may be considered, subject to Council's approval of a Heritage Alteration Permit.
- Staff are highly supportive of the plan and are satisfied that all issues have been addressed.

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

- letter from Fred Speckeen, #116-1156 Sunset Drive, expressing concern about the impact of the number of entrances and exists onto Sunset Drive on traffic flow.

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

John Steil, Stantec Consulting Ltd., representing the applicant:

- It has been a lengthy process working with staff and a variety of other agencies and public interests and all issues have now been addressed.
- Turning a derelict railyard into an asset for the City of Kelowna.
- Logical extension of the uses that have been developing in the area and the heritage train station will act as anchor for redevelopment of the area east of Ellis Street.
- A key feature of the plan will be rehabilitation of the creek.
- The creek provides a buffer between the residential and industrial uses.
- Ties together the pedestrian system to Rotary Marsh, the neighbourhoods to the northeast and development to the south and incorporates a small park at Sunset Drive where the creek crosses.
- Canada Lands will put in all the improvements including those to Brandt Creek so the lots will be serviced when they are offered For Sale. The remedial work to the creek will definitely be done this summer. Canada Lands is committed to make sure that the plants along the creek are sustained.
- All testing for site contamination has been done in consultation with City staff and the Ministry of Environment and there are plans in place to remediate the sites that are impacted in accord with provincial legislation before additional development occurs on the site.

Ben Bjornson, realtor:

- Asked for clarification of the land swap with the City.

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Staff:

- About 1/3 of the width of the berm will be consolidated with Canada Land's property. The other 2/3 of the berm width will be consolidated with Sunset Drive so the road can be widened. In exchange the City will receive an equivalent area, based on value, that will be consolidated with the City's property.
- The Canada Lands property would be subdivided to create five multi-family residential parcels and it is anticipated that the middle 33 lots would share one access so that there would be 3 accesses off Sunset Drive to handle traffic for approximately 900 units. That is consistent with the type of land use pattern that is across the street.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:49 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn