

Public HearingSeptember 12, 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, September 12, 2000.

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

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; 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 "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 August 23, 2000, and by being placed in the Kelowna Daily Courier issues of September 5 & 6, 2000 and in the Kelowna Capital News issue of September 3, 2000, and by sending out or otherwise delivering 670 letters to the owners and occupiers of surrounding properties between August 23 & 25, 2000.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8584 (Z00-1035) - 554007 B.C. Ltd. (Walter & Lidia Baumgart) – 952 Lawson Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 138, O.D.Y.D., Plan 4491, located on Lawson Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding and Lodging House zone in order to allow development of the site for uses permitted in the RU6b zone.

Staff:

- The applicant proposes to construct a boarding and lodging home on the site for up to 10 residents.
- The intent is to construct the building toward the front portion of the lot with a driveway along the east side leading to the parking in the rear and a covenant would be registered to ensure the site is developed that way (with the parking in the rear).

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.

Walter Baumgart, applicant:

- Indicated he had nothing to add at this time but was available to answer questions of Council.

There were no further comments.

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- (b) Bylaw No. 8585 (Z00-1041) - George & Melissa Summach (Porter Ramsay, Tom Smithwick) – 370 Braeloch Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 23, Twp. 28, S.D.Y.D., Plan KAP63082, located on 370 Braeloch Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone in order to allow development of the site for uses permitted in the RR3s zone.

Staff:

- The applicant has started to develop the site with (other than some dock facilities already built) an accessory building for use as a guest cottage.
- A Development Variance Permit application is on the agenda later tonight because the proposed guest cottage is larger in size than is permitted by the zone.
- The principal dwelling is not under construction at this time; however it is the applicant's preference to keep the principal dwelling and the accessory building as two separate units.
- If the rezoning is not granted then the accessory building would be linked to the principal dwelling and the kitchen removed so that the accessory building could be used as a secondary suite.
- Both buildings would be connected to sanitary sewer.

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.

Tom Smithwick, representing the applicant:

- The applicant lives in Calgary and intends to continue to live there. The principle dwelling would be their summer home. The guest cottage would allow their family and guests to live independently while visiting.
- There would be a caretaker on the property in their absence.
- They have no intention of renting out the guesthouse or secondary suite.
- The subject property is about double the size of the other lots in the area and the lot coverage is minimal because of the large lot size.
- The applicant is willing to do undertake landscaping to create an attractive boundary between his site and the park and proposes to work with the City's Parks Dept. on that.
- If the rezoning is not approved by Council, then the main residence would be connected to the guesthouse but the design would be better if the two buildings could remain independent.
- The guesthouse would be 2 storeys.
- The immediate neighbours have provided letters of consent to this proposal.
- It would be possible to subdivide the property into two and do a bareland strata with a common driveway in order to keep the two buildings separate but that is not the applicant's intention.

There were no further comments.

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- (c) Bylaw No. 8586 (Z00-1037) - Henry & Sylvia Bouchard and Barbara Cymbala (Lynn Welder Consulting Ltd.) – 519 & 543 McKay Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 16 & 17, DL 14, O.D.Y.D., Plan 3769, located on McKay Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the C4 – Town Centre Commercial zone in order to allow development of the site for uses permitted in the C4 zone.

Staff:

- The applicant has no immediate development plans but wants to rezone the two properties in order to draw in prospective tenants.
- There are existing older homes on both lots and the applicant has provided plans to show how they can be used for office uses as is.
- This applicant is aware of the requirement for a dedication for the sidewalk on Pandosy Street and the City has received payment for a sidewalk along the commercial property to the south. City Planning and Works & Utilities staff will work together to determine when the sidewalk should be built.
- Landscaping would be addressed through the Development Permit.

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

- letter of support from Bev & Ian Sisett, 518 McKay Avenue.

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, representing the applicant:

- Indicated she had nothing to add at this time but was available to answer questions of Council.

There were no further comments.

- (d) Bylaw No. 8587 (Z00-1012) - Edward & Kazimere Surowiec – 1345, 1325 & 1315 Highway 33 West and 145, 155 & 165 Taylor Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1, 2 and 3, Sec. 22, Twp. 26, O.D.Y.D., Plan 3727, Except Plan 39705, and Lots 4, 5, and 6, Sec. 22, Twp. 26, O.D.Y.D., Plan 3727, located on Taylor Road and Highway 97, Kelowna, B.C., from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone in order to allow development of the site for uses permitted in the RM3 zone.

Staff:

- The application is to rezone the 6 lots for development of a 4-storey, 77-unit congregate housing facility with a Housing Agreement in order to receive a housing bonus.
- The applicant proposes to rent the 8 units attained through the density bonus at a discounted rate below market value.
- The intent is to provide affordable congregate housing that appeals to a lower income bracket than is already provided for in the area.
- There would be no direct access to the site from Highway 33; access would be from Taylor Road and a total of 31 parking stalls are proposed.
- A Development Variance Permit would be required to allow for a 4-storey development.
- The application was reviewed and supported by the Advisory Planning Commission.
- The application pushes the boundaries of the density permitted by the zone but the proposal addresses some of the needs of the Housing Study (to provide affordable congregate housing) and the proximity to amenities is desirable for this type of use.

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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.

Bob Guy, True Consulting, representing the applicant:

- The development has been changed substantially from what was initially proposed, as a result of consultation and meetings with City staff and the Advisory Planning Commission.
- The applicant met with the Rutland Residents Association a number of times and the plan presented tonight also reflects changes to meet their concerns.
- Locating the building further back on the site satisfies the needs of the church next door and the building has been re-oriented on the site to reduce the appearance of massing for adjoining properties.
- The building is recessed into the ground so that it appears to be 3 to 3½ storeys high from the street.
- Most of the existing congregate care facilities are similar in height.
- Affordability in the Rutland Area has been identified as a need and the proposed design would provide over 70% bachelor suites which are in high demand in this community.
- The proposed development would act as a good buffer between the Highway 97 Urban Village and the surrounding neighbourhood.

Debra Underwood, #20-1250 Morgan Road:

- The plans indicate a road access from Morgan Road, behind the church and the strata complex. The strata residents are responsible for maintaining the road behind their complex and are concerned about the additional costs from wear and tear if traffic from Morgan Road uses that access road to get to the church and to the proposed new development.

Staff:

- The access easement is gated and it is up to the church and the adjacent strata complex to determine when the gate is opened.
- Recognizing that the reciprocal access between the church and adjacent strata complex exists, the additional road reserve is requested of this applicant in order to preserve the City's option for the future to someday make that a public lane.

There were no further comments.

- (e) Bylaw No. 8589 (Text Amendment No. 00-001) - True Consulting Group/Robert Evans - THAT City of Kelowna Zoning Bylaw No.8000 be amended by adding commercial storage as a principal use in the I1 – Business Industrial zone.

Presented concurrently with agenda item 3(f).

- (f) Bylaw No. 8590 (Z00-1038) - Kelowna Self Storage Ltd. (True Consulting Group/Robert Evans) – 1698 Findlay Road - THAT City of Kelowna Zoning Bylaw No.8000 be amended by changing the zoning classification of Part one acre more or less of Lot 6 shown on Plan B5071, Sec. 34, Twp. 26, O.D.Y.D., Plan 2043, Except Plan H8110, located on 1698 Findlay Road, Kelowna, B.C., from the A1-Agriculture 1 zone to the I1 - Business Industrial zone in order to allow development of the site for uses permitted in the I1 zone.

Staff:

- The Text Amendment is required to add commercial storage, which is essentially indoor storage such as the self-storage concept, to the list of permitted uses in the I1 zone.

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- The rezoning would permit construction of a combination of office spaces and storage areas on the site. The office spaces would be in the front of the building, each with separate entrance, and the rear would be developed with individual storage lockers.
- The applicant is attempting to create an incubator development for small businesses that are starting out. The development provides for easily expandable space without having to make major changes to the building.
- The applicant has also developed the adjacent property to the south for commercial storage and the appearance of the proposed building would be complementary to that development.
- Access would be from Findlay Road.
- The applicant has received approved from the Ministry of Transportation & Highways (MOTH) for a portion of the required landscape buffer along the north property boundary to be planted on MOTH property.
- The applicant has also applied for a Development Permit and Development Variance Permit for the proposed development.

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.

Robert Evans, True Consulting:

- The applicant has a good track record in developing quality buildings and this would be similar to the adjacent development from a commercial storage standpoint and similar to the University Business Park from a commercial business standpoint.
- The applicant worked with City staff to determine the best configuration on the site.
- An intensive landscaping buffer is proposed.
- The Ministry of Transportation & Highways has provided the applicant with a letter allowing the landscape buffer to be planted on their property.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:00 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn