

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, January 16, 2001.

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, 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; Current Planning Manager, A.V. Bruce; Civic Properties Manager, H.R. Hyatt\*; 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 that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 27, 2000, and by being placed in the Kelowna Daily Courier issues of January 8 & 9, 2001, and in the Kelowna Capital News issue of January 7, 2001, and by sending out or otherwise delivering 273 letters to the owners and occupiers of surrounding properties between December 27, 2000 and January 3, 2001.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8615 (TA00-005) – Lakeshore Road Limited Partnership (Jamie Brown) – 665 Cook Road – THAT City of Kelowna Zoning Bylaw 8000, Schedule 'B', CD4 - Comprehensive Small Lot Residential zone, be amended by deleting CD4 – Map 'A' and replacing it with the revised Map 'A' attached to the report of the Planning & Development Services Department dated November 15, 2000, and by replacing the wording under Section 1.6(e) of the CD4 zone to read "(e) Area 2, shown on CD4 Map 'A' shall be developed only with one storey units." and by deleting the word "Temporary" from Section 1.6(j).

#### Staff:

- The applicant is requesting an amendment to the CD4 zone in order to accommodate a re-design of Phases 3, 4 & 5 of the Somerville Corner Development by reducing the overall number of lots and increasing lot sizes to respond to current market conditions.
- The units adjacent to the River Run development will be restricted to 1-storey bungalows.

The City Clerk advised that no correspondence or petitions were received.

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

Jamie Brown, applicant:

- The requested change responds to market conditions which call for larger size single family homes than what was permitted under the 141 home density.
- Letters of support from the Somerville Strata Corp. and the adjacent River Run Strata Corp. were submitted when the application was initially considered by Council.
- The commitment to the River Run residents to maintain single storey residences adjacent to their development will still be honoured.
- The development will be interconnected with sidewalks.
- There will be provision for some RV parking at the southeast corner of the property.
- The wetland area will be protected and riparian work along Lakeshore to the CKOV property boundary will be done this spring.
- Funds have been given to the City of Kelowna for construction of a future sidewalk along Lakeshore.
- The access off Truswell will be low-key and be signed to discourage access to other than residents of the development.

There were no further comments.

- (b) Bylaw No. 8617 (Z00-1046) - Merle Serhan – 575 White Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Sec. 23, Twp. 26, O.D.Y.D., Plan 16489, located on 575 White 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:

- There are several RU6 properties in the area and another RU1s directly behind the subject property.
- The application to legalize the suite was made after the suite was discovered by bylaw enforcement staff when investigating a complaint of another nature.
- The property is a large corner lot with 2 driveways, a 2-car garage and a carport and generous setbacks on all sides.
- The property is on septic disposal and the Health Officer has determined there is adequate capacity for the single family house with 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.

Merle Serhan, applicant:

- Indicated she had nothing to add at this time.

No were no further comments.

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- (c) Bylaw No. 8618 (Z00-1051) - Douglas Galbraith – 3564 Scott Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A D.L. 134, O.D.Y.D., Plan 31217, located on 3564 Scott 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:

- This application for rezoning was made after bylaw enforcement staff investigated a complaint about a potential illegal suite.
- Minor upgrades would be required to meet Building Code requirements.
- There are other RU1s, RU6 and RU2 zoned properties in the immediate vicinity.

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

- Petition bearing 16 signatures opposing the application because Scott Road is only 7 m wide with no sidewalks or bike lane and pedestrian safety is already at risk from on-street parking. The petition also indicates that their consideration of the application would change once the City put in sidewalks and completed the road.

Staff:

- Scott Road meets the City's 20 m standard and a sidewalk and boulevard can be accommodated within that right-of-way. The work could proceed by way of a local improvement initiated by neighbourhood when the majority of the residents want to have the road upgraded.

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

Perry Bentley, 3570 Scott Road:

- Speaking on behalf of some other residents on Scott Road as well.
- Scott Road is a quiet, safe road and is used for strolling and by school children. With more and more secondary suites, the nature of the road will be changed and the safe walking space for children and the quiet neighbourhood will be lost.
- The suite intrudes on the privacy of the neighbours, and in particular himself.
- The entrance to the suite is next to his back yard and there is no landscaping to screen the entrance from his property. If this is approved, he would have to introduce some screening in order to regain his privacy.
- The current resident does not appear to own a vehicle but that could change once the suite is legalized.

Doug Galbraith, applicant:

- Willing to construct a fence or have City Parks staff look at the existing trees and shrubs and provide a professional opinion on what is needed to provide a privacy screen for the neighbour.
- Would expect to pay half the cost if the screening is done in consultation with the neighbour, otherwise would pay the full cost himself.
- The existing tenant is a student attending OUC and she rides her bike. There will only be one tenant at any given time and it will be a student.
- As a resident on the street, does not want to alienate the neighbourhood.
- Purchased the subject property a couple of years ago and was told by a member of City staff that the property was zoned RU1 and that he could have students in the suite.

There were no further comments.

- (d) Bylaw No. 8619 (OCP00-009/Z00-1045) - City of Kelowna - Cawston Avenue - THAT Map 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot A, D.L. 139, O.D.Y.D., Plan KAP67454, located on Cawston Avenue, Kelowna, B.C., from "Educational/Major Institutional" to "Commercial";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 139, O.D.Y.D., Plan KAP67454, located on Cawston Avenue, Kelowna, B.C., from the P1 – Major Institutional and the I4 – Central Industrial zones to the C7 – Central Business Commercial zone in order to allow development of the site for uses permitted in the C7 - Central Business Commercial zone.

Staff:

- The subject property is the site for the new Rotary Arts Centre.
- Additions are proposed to the former Growers Supply building on two sides. There is also potential for expansion of the Art Gallery in future.
- A commons area would be created with 17 parking stalls and a link from Cawston Avenue as well as an emergency link behind the building. The parking area will be constructed with pavers so that it can also be used for special events. In the long term, when the art gallery is expanded, the parking stalls would be relocated or a cash in lieu payment made and the area would become a full time public commons area.
- A direct Development Permit will be processed concurrently in accordance with the adopted procedures bylaw.
- The main addition to the building would be 300 seat theatre at the north end of the site.
- This has been a major community initiative since 1992 and funding is now in place to allow the project to proceed. Work could actually start on the site in the next 2-3 weeks.
- The Building Committee has been active for the last 2 years or more and there has been a lot of input from a great many user groups and groups with interest in the building.
- As to the public process that was undertaken, since 1992 there were various surveys done that resulted in a 1995 Dalrymple report and about 40 or so groups were consulted at that time. Subsequent to that, the Building Committee and visual and performing arts groups went out and spoke to 20-30 groups with an interest in being a part of the Art Centre building. In addition, since 1992 Council has debated the arts centre on at least 14 different occasions.
- The Building Committee's goal is to ensure the design will be the best possible and that the centre will be self-sustaining.

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

Michael Griffin, 2021 Abbott Street:

- Has been involved in this project since 1992 and is a member of the Art Centre Building Committee.
- Available to answer any questions about the process.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 8:06 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn