

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 5, 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; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; 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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 17, 2001, and by being placed in the Kelowna Daily Courier issues of May 28 & 29, 2001, and in the Kelowna Capital News issue of May 27, 2001, and by sending out or otherwise delivering 124 letters to the owners and occupiers of surrounding properties between May 16 & 17, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8684 (Z01-1020) – Serbian Orthodox Parish – Holy Prophet St. Ilija – 585 Gerstmar Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 22, Twp. 26, ODYD, Plan 4877, located on Gerstmar Road, 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.

Staff:

- The rezoning would facilitate development of the site for a small church with associated parking, a caretaker unit above the front portion of the church as well as landscaping and paving of the parking lot.
- The application was reviewed and supported by the Advisory Planning Commission with a condition that the applicant revise the exterior design of the building to something similar to other churches of that size. The applicant has provided concept plans showing revised elevations of the church.
- There is no Development Permit required for this application and the conceptual design could change.
- The applicant will extend sanitary sewer down Gerstmar Road which will spur connection of other properties along Gerstmar.
- The parking requirement for church halls without permanent seating installed is 10 per 100 m² of gross floor area plus 2 additional stalls for the operator. 20 on-site parking stalls are proposed along with a loading zone that would likely be used by the resident after hours.
- Expansion of the building is not likely because of the limited ability to provide parking on the site.

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

Dragi Djordjevich, applicant:

- The closest Orthodox Church is in Calgary.
- People would like to move here to retire but do not because there is no Orthodox Church.
- The subject property was purchased 3 years ago. The lot is almost paid for and they are starting to collect money for the building.
- Solicited the neighbourhood and all but two indicated support.

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

- letter from Norm & Vicki Laidlaw, 575 Gramiak Road, indicating no opposition to the proposed use but concerned that bells or electronically broadcast bell or chime sounds would be part of the development.
- late letter from C. Bellamy, 1170 Graham Road, concerned about inadequate parking and increased traffic.
- late petition of support bearing 42-signatures.

A gentleman from the gallery:

- Wants to move to Kelowna but has not because there is no church.
- Urged Council to let them build the church.

Dragi Djordjevich, applicant:

- There will be no bell or chime noise.
- There should be adequate parking on-site for at least 10 years.

There were no further comments.

- (b) Bylaw No. 8685 (Z01-1011) – Eileen Powell (Gehue & Van Gulp) – 2830 East Kelowna Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982, located on East Kelowna Road, Kelowna, B.C., as shown on map 'A' from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone in order to allow development of the site for uses permitted in the RR1 zone.

Staff:

- The rezoning is requested to facilitate subdivision of the 9.4 ha property to create a rural single family residential lot 1.3 ha in size.
- The proposed new lot was approved for exclusion from the Agricultural Land Reserve (ALR) in 1995. A condition of that approval was registration of a no disturb covenant on title to protect the escarpment area which remains within the ALR.
- The proposed lot meets the minimum 1 ha area requirement for lots created on a septic disposal system.
- The applicant has no plans for future development of the proposed lot. Technical issues would be dealt with through the building permit and subdivision.
- The applicant would have to prove that requirements could be met before adoption of the zone amending bylaw.
- The applicant would be required to register a no-disturb/no tree removal covenant on title of the proposed lot to protect all areas over 30% slope on the excluded land.
- The application was reviewed and supported by the Advisory Planning Commission with no conditions.

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

- late letter from Judi Robson, 2673 O'Reilly Road
 - late letter from James & Laura White, 2659 O'Reilly Road
- both opposed because road access would be treacherous in the winter; the septic field could negatively impact water quality of the creek and spring and could also add to slope instability; the extensive excavation would destroy the natural buffer between agricultural land and residential lots; negative impact on bird and wildlife, and increased traffic and noise would reduce their quality of life.

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

Henk Van Gulp, applicant:

- No study has been done yet so cannot say if the percolation rate will be adequate to be approved for septic disposal.
- The building site would likely be roughly in the middle of the proposed lot and access would probably be from a location on the lane.
- There is an existing natural buffer between the proposed parcel and the agricultural land and that buffer will remain.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:29 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk