

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, December 11, 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; Acting Director of Parks & Leisure Services, H.R. Hyatt; 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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 23, 2001, and by being placed in the Kelowna Daily Courier issues of December 3 & 4, 2001, and again on December 6, 2001 due to an error in the ad in the December 4th edition. It was also advertised in the Kelowna Capital News issue of December 2, 2001, and by sending out or otherwise delivering 980 letters to the owners and occupiers of surrounding properties between November 21 & 24, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 Strata KAS896 - [Rychjohn Investments Ltd. (Carl Scholl Design)]

- 3.1(a) Bylaw No. 8756 (OCP01-011); Bylaw No. 8757 (Z01-1045) – Owners of Strata Plan KAS896 (Rychjohn Investments Ltd. [Carl Scholl Design]) – 3163 Richter Street – THAT City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of part of Common Property KAS896, located on Richter Street, Kelowna, B.C, from the Medium Density Multiple Family designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated October 30, 2001.
- 3.1(b) Bylaw No. 8757 (Z01-1045) – Owners of Strata Plan KAS896 (Rychjohn Investments Ltd. [Carl Scholl Design]) – 3163 Richter Street – THAT City of Kelowna Zoning Bylaw 8000 be amended by changing the zoning classification of part of Common Property KAS896, located on Richter Street, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C5 – Transition Commercial zone, as shown on Map "A" attached to the report of Planning & Development Services Department dated October 30, 2001.

Staff:

- The rezoning is requested to facilitate construction of a one-storey addition to the existing professional office building. To meet parking requirements, the lot line for the commercial property will be adjusted to encompass the property being rezoned. The subject property has been identified as surplus parking when compared to bylaw requirements for the adjacent apartment complex and the applicant is purchasing that surplus parking area from the strata council.

- The existing zoning would permit up to a 4-storey building.
- Both developments would meet zoning bylaw requirements for parking after the transfer of property. No new stalls will be created. The Strata Corporation has provided a letter in support of the proposal.
- The Official Community Plan amendment is required to accommodate the proposed used.

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

- Letter from Darrel Warman, 205-769 KLO Road opposing the application because he believes there is a parking shortage already and this will compound the problem and the view may be blocked for those living at 769 KLO Road.
- Late letter from Laura Monesmith, 201-769 KLO Road expressing concern that the proposed building addition would further depress the already depressed resale value for her condominium.

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

Carol Scholl, applicant:

- Proposing a 1-storey addition to provide extra space for an existing tenant.
- 450 parking stalls would be retained; 409 for the adjacent residential development and 41 stalls for the professional building.
- A Development Permit would be concurrent with adoption of the rezoning.
- The addition would match the existing commercial building in all aspects.

Glen Worman, 5118 Cedar Creek Court:

- Advised that he built the original development and the parking area being transferred in title is under a 99-year lease to the commercial plaza so they have always been using it and they have an agreement that it can also be used by Creekside residents.

There were no further comments.

3.2 Okanagan Mission Community Hall Association and City of Kelowna

- 3.2 Bylaw No. 8758 (Z01-1044) –Okanagan Mission Community Hall Association and City of Kelowna (Okanagan Mission Community Hall Association) – 4409 Lakeshore Road and 639 Dehart Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot 1, DL 358, O.D.Y.D, Plan KAP69898 and part of Lot 2, DL 358, O.D.Y.D, Plan KAP69898, (Formerly part of Lot 2, DL 358, O.D.Y.D., Plan KAP53605, and Lot 2, DL 358, O.D.Y.D., Plan 25195), as shown on Map "A" attached to the report of the Planning and Development Services Department dated October 31, 2001, located on Lakeshore Road and Dehart Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone.

Staff:

- This application is to rezone the subject property as part of a plan put forward to the City by the Okanagan Mission Community Hall Association (OMCHA) and the Okanagan Mission Tennis Association that currently operates the tennis facilities on the OMCHA property.
- The rezoning would allow 3 outdoor tennis courts to be built at the rear of the subject property.
- The application is consistent with Planning documents and policies.

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The City Clerk advised that the following correspondence and petitions had been received with respect to the rezoning application:

- letter from Susan Fairweather, 4429 Lakeshore Road
- 2 letters from Steve Kabella, 606 Sherwood Road
- letter from Richard Sherwood, 655 Dehart Road

All opposed because of the lack of openness by the applicant in the early stages of planning, full disclosure of pertinent facts not made available by the City, loss of view, loss of privacy, blockage of sun could jeopardize the survival of existing mature trees, increased noise and night lighting will negatively impact neighbours, the existing community hall should be expanded instead of building a new tennis facility, it makes no sense to oust the Fire Department from the existing fire hall, and negative impact on 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.

Dick Leppky, project manager OMCHA:

- The outdoor courts will be a community venue accessible by pre-paid members or on a drop-in basis by the general public.
- The existing outdoor courts are maintained by OMCHA and in return the OMCHA retains any revenue generated from the courts. The gates to the courts are kept locked but club members have access keys. If a member is there, they will let non-members in for nominal fee. If a member is not there, the public cannot get access to the courts. With the proposed expansion, public access would be improved because there would be on-site supervision that could respond to drop-in needs. The new outdoor courts would also be managed by OMCHA in the same way.
- On-site management would also enable the OMCHA to coordinate events to avoid more than one major event going on at the same time.
- Kelowna has the highest member to court ratio in B.C.
- The proposed expansion combined with enclosure of the existing courts would satisfy the needs of the OMCHA for the next few years.
- The new outdoor courts would be lit at least to the degree that the existing courts are lit. For another \$12,000 lower cut-off lighting could be installed. Light spillage from the existing lighting is not a problem. The benefit of cut-off lighting is that from off-site people would see that there is an area that is lit up without actually seeing the lights themselves and the glow instead of glare of lights would be good for the neighbourhood.
- Approximately 90% or more of the existing pine trees would be retained.
- +10 ft. high cedars or vines could be planted along the fence of the tennis courts to reduce the sound and light impact on the neighbour to the east.

Steve Kabella, 606 Sherwood Road:

- Commented on the lack of public interest in attending the Advisory Planning Commission or Community Heritage Commission meetings when this application was discussed compared to the interest indicated at tonight's Public Hearing.

Andrew Daley, 634 Dehart Road:

- Supports using cut-lighting if the funds can be found for that in order to mitigate the impact of lighting on his and his neighbours properties.

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- The rezoning is contrary to the OCP and the Sector Plan.
- City memos back 11 months ago propose that the subject property be rezoned and brought to a public hearing yet the intention to do that was not put to the public until September 18th at the Advisory Planning Commission (APC) meeting.
- The transfer deed was signed on September 17th. The City owned the property on September 26th. The APC recommended non-support of this application but the property had already been subdivided and site-preparation work was done on the subject property on October 1st, all without any public process whatsoever.
- The City has taken a portion of land which was protected by covenant for the benefit of adjacent property owners and added that to the property that is now being rezoned.
- His property was damaged when site preparation work was done on the subject property.
- The OMCHA say they are partners with the City; City staff say no.

Staff:

- Council has tentatively entered into agreements with the OMCHA and the authorizing bylaws for those agreements are on tonight's Regular Meeting agenda for further reading consideration. The City will not be a partner with the OMCHA until those bylaws have been adopted to approve entering into the partnership.

Kim Tubb, 4433 Lakeshore Road:

- The existing lighting shines into her side yard and is not particularly bothersome. The lighting for the proposed new outdoor tennis courts would shine into her side and rear yards and the impact would likely be about the same.
- Her concern is more to do with the requested variances for enclosure of the existing courts than with the proposed rezoning.

John Vesterinen, 4350 Turner Road:

- Tennis coach at this tennis facility, described programs and showed statistics on participation levels to support his opinion that tennis is booming and more courts are needed.

Sue Fairweather, 4429 Lakeshore Road:

- Her property is beside the existing courts and she is frequently awoken often before 6 a.m. by players and their expletives; the existing lights shine into her living room window; and an unbelievable number of people trespass into her back yard looking for lost balls.
- She bought her property knowing these annoyances would be there, but not knowing there would be a big wall (if the existing courts were enclosed).
- The Mission Sportsfields is under development on Gordon Drive. Suggest that would be a more appropriate location for tennis along with the other sports ventures.
- Dismayed that the Mission has lost a day care and that the tennis players' comfort will be more important than the comfort of the scouts.

Jennifer Miller, 417 Okaview:

- OUC student who worked this past summer as an assistant coach at this tennis facility.
- The facility has an excellent junior program and the growing interest in Kelowna shows that a larger facility is required for tennis players of all ages.

Juleen McElgunn, 747 South Crest Drive:

- There are ways to work together to make the building viable and attractive so that the facility is an enhancement to the community.

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Dick Leppke, OMCHA:

- The neighbours that are adjacent say lighting not a big issue. The proposed building would eliminate noise for Sue Fairweather.
- Will plant cedars as a buffer between the courts and the adjoining property to the east if Council says that is a priority and the fence height can be increased along that property boundary from 10 ft. to 14 ft. if Mr. Sherwood is concerned about balls being a problem.
- On-site parking exceeds requirements for the hall and tennis courts combined by about 30%.

Steve Kabella, 606 Sherwood Road:

- The land donated by his family was intended strictly for park use and nothing else – not for tennis courts and not for commercial purposes. His mother was very hurt and upset when she found out what is proposed on the donated land. She is 95 years old and does not need that stress.
- Totally opposed to using any part of that park for the open tennis courts or to the property being rezoned for any other uses.
- The building on 639 Dehart Road would be better off rented out to a caretaker to provide security for the park.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:43 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk