

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, February 19, 2002.

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

Council members absent: Mayor Walter Gray.

Staff members in attendance were: Acting City Manager/Director of Planning & Development Services, R.L. Mattiussi, City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; Special Projects Planning Manager, H.M. Christy; Long Range Planning Manager, S.K. Bagh; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Deputy Mayor Day called the Hearing to order at 7:00 p.m.
2. Deputy Mayor Day 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 1, 2002, and by being placed in the Kelowna Daily Courier issues of February 11 & 12, and in the Kelowna Capital News issue of February 10, and by sending out or otherwise delivering 504 letters to the owners and occupiers of surrounding properties between February 1-4, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 Fred Sherbinin

- 3.1 Bylaw No. 8784 (Z01-1053) – Fred Sherbinin – 975 Guisachan Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, D.L. 136, ODYD, Plan 30065, located on Guisachan Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The property has driveway access from both Guisachan Road and a rear lane.
- The applicant is proposing to convert the accessory building at the rear of the property into a 1-bedroom secondary suite.
- The 2 parking stalls required for the main dwelling would be in the driveway off Guisachan Road and in the carport. The parking stall for the suite would be beside the accessory building and be accessed off the lane.

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

- letter from Ron Youngston, 2304 Rhondda Crescent, expressing concern that additional use of the alley by this property is neither warranted nor needed, and suggesting that there may be an illegal suite in the main dwelling on the property.

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

Al Caruso, 2320 Rhondda Crescent:

- Concerned about adding traffic to the already dusty lane and the lack of parking.
- Concerned about the close proximity of the secondary suite to neighbouring property.
- Concerned that house prices will depreciate if this rezoning is approved.
- Submitted a copy of a petition of opposition bearing 22 signatures.

The City Clerk advised that the petition was not circulated in Council's agenda package because the submission was received prior to the date of the statutory notification of the Public Hearing. However, the petition indicates that the residents are opposed to the change in zoning and urges Council not to approve the application.

Ron Youngston, 2304 Rhondda Crescent:

- Usually City staff display a map showing the properties where petitioners signed in support and opposition.
- Concerned that once applications for a suite are approved, they rarely turn out the way they were supposed to. Allowing the proposed suite would destroy the neighbourhood as it now exists.
- The accessory building where the suite is proposed is a beat up old garage.
- Concerned that the tenant will park in the lane.

Council:

- Staff to identify the addresses of the petitioners opposed to this application on the map prior to Council voting on the subject bylaw at tonight's Regular Meeting.

Rick Jackson, on behalf of the applicant:

- Someone from the City checked to see if there was an illegal suite and apparently there was no suite in the house.
- In his opinion, there is sufficient on-site parking for the suite.

Council:

- Encouraged the neighbourhood to pursue paving the lane via a local improvement.

There were no further comments.

3.2 James Ramsay/SD-21 Ventures Ltd. (Bryan Murray)

- 3.2 Bylaw No. 8803 (Z01-1062) – SD-21 Ventures Ltd. (Bryan Murray) – 510 Doyle Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 139, ODYD, Plan 25975, located on Doyle Avenue, Kelowna, B.C., from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone.

Staff:

- The applicant is proposing to redevelop the front half of the existing building for a restaurant use while retaining some of the existing tenants at the back side of the building. An outdoor patio is also proposed along Doyle Avenue and a small shed would be used as a serving station for the waiters working on the patio.
- Parking would be off the lane and along a private driveway at the rear of the property.
- A Development Permit application would be considered concurrent with adoption consideration of the zone amending bylaw if this application proceeds.

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

- letter from Pioneer Coffee Company, 526 Doyle Avenue, concerned over the smell produced when they are conducting their business of roasting coffee as they have had this brought to their attention at times and want to be sure the applicant is aware that this is an existing condition that they would have to live with.

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

Bryan Murray, applicant:

- Currently owns the Impeccable Pig and Dos Amigos restaurants. Intends to shut them down and open the Kokopeli restaurant on the subject property.
- The restaurant would be a great addition to the downtown area.
- The smell of coffee is not offensive for a restaurant.

There were no further comments.

3.3 The Kirschner Family (John Steil/Stantec Consulting Ltd.)

- 3.3 Bylaw No. 8801 (OCP01-020, Kirschner Mountain ASP00-001) – Gordon & Heidi Kirschner, Donald & Amy Kirschner and Allan & Angelica Kirschner (John Steil/Stantec Consulting Ltd.) – 2045 Garner Road, south of Loseth Road, 2061 Garner Road, 2053 Garner Road and 1625 Verdure Road – THAT the Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by deleting line 12 of Table 15.1 in its entirety;

AND THAT Map 13.2 of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by redefining the boundaries of the Natural Environment/Hazardous Condition Development Permit Area Designation for Lot A, Sec. 13, Twp. 26, ODYD Plan KAP48770; Lot B, Secs. 12 & 13, Twp. 26 and Secs. 7 & 18 Twp. 27, ODYD Plan KAP48770; Lot C, Secs. 12 & 13, Twp. 26, ODYD Plan KAP48770; Lot D, Sec. 13, Twp. 26, ODYD Plan KAP48770; Lot 3, Sec. 13, Twp. 26 and of Sec. 18, Twp. 27, ODYD Plan KAP44995 and part of Sec. 12, Twp. 26, ODYD except (1) Plans 1380, 1639 and KAP44995 and KAP48770 (2) Parcel A (Plan B8600) (3) the southwest 1/4 of said section, located on Garner, Loseth and Verdure Roads, Kelowna, B.C., as shown on Map "A" attached to the report of Planning & Development Services Department dated January 16, 2002;

AND 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, Sec. 13, Twp. 26, ODYD Plan KAP48770; Lot B, Secs. 12 & 13, Twp. 26 and Secs. 7 & 18, Twp. 27, ODYD Plan KAP48770; Lot C, Secs. 12 & 13, Twp. 26, ODYD Plan KAP48770; Lot D, Sec. 13, Twp. 26, ODYD Plan KAP48770; Lot 3, Sec. 13, Twp. 26 and of Sec. 18, Twp. 27, ODYD Plan KAP44995 and part of Sec. 12, Twp. 26, ODYD except (1) Plans 1380, 1639 and KAP44995 and KAP48770 (2) Parcel A (Plan B8600) (3) the southwest 1/4 of said section, located on Garner, Loseth and Verdure Roads, Kelowna, B.C., from the Single/Two Family Residential and Rural/Agricultural designations to the Single/Two Family Residential and Major Park/Open Space designations, as shown on Map "B" attached to the report of Planning & Development Services Department dated January 16, 2002.

Staff:

- The Kirschner Mountain Area Structure Plan (ASP) includes several large pieces of property in the Black Mountain area, all owned by various members of the Kirschner family.

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- Subsequent to Council's endorsement of the ASP, the text of the ASP was changed to include the following paragraph on page 15 of the document: "Subject to detailed subdivision design, lands over 30% slope will have a 'no-build, no-disturb' covenant registered at the subdivision stage." This is not an amendment to the bylaw under consideration, it is just to clarify wording in the ASP document.
- The subject application amends the City of Kelowna Official Community Plan (OCP) to adopt the land uses proposed in the ASP.
- The OCP identifies the area as ASP Area No. 12 and requires that certain studies (i.e. environmental analysis, slope analysis, traffic impact assessment, drainage study) be carried out at the ASP stage.
- The OCP also identifies the various land uses that could be considered within the ASP area and identifies most of the area as a Development Permit area.
- The generalized land use plan at the conceptual level identifies the major roads that would access the property, the areas proposed for low density residential, the areas proposed for cluster residential, and the areas of 30% slope.
- Displayed simulations showing the visual impact of the property, once developed, from the west, north, and east.
- Because the boundary of the property falls within 800 m of Highway 33, the Ministry of Transportation (MOT) becomes involved and as part of the traffic impact assessment work done with the ASP, MOT has indicated that further discussion will be required at the rezoning and/or subdivision stage with respect to a contribution by this development toward the widening of Highway 33.

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

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

John Steil, applicant:

- Has been working through the process for close to 2 years now and a lot of background studies have been done. All issues have been addressed to this stage.
- The plan is good and is consistent with the site topography and planning principles.
- The Land Reserve Commission has given approval for a drainage pond that is outside the ASP area.
- A meeting was held at the Black Mountain Elementary School to explain the proposal to the neighbourhood. The meeting was attended by about 65 residents and there was no controversy at the meeting.
- Based on the environmental analysis, in terms of erosion and the types of soils, protection of the slopes would be desirable. When a small area of over 30% slope falls within a lot the sloped area would be protected by covenant.
- The traffic analysis work was based on the development being built-out over a 20 year period. The first upgrade to Highway 33 is projected at about 40% of the site being developed or about 10 years into the process. Different sections of the highway, between Springfield Road and Loseth Road, would be upgraded at certain times based on assumptions. Who pays is the issue that is left hanging to date. The developer will be obligated to make some financial contribution. The intersection at Loseth and Highway 33 would be signalized.
- Forest cover would be retained on the portions of property not to be developed. Development would be phased over time so the early stages would have time to green up before subsequent stages. Design guidelines and colour schemes would also be imposed to minimize the impact.

There were no further comments.

3.4 City of Kelowna

- 3.4 Bylaw No. 8804 (Glenn Avenue School Heritage Designation Bylaw) – City of Kelowna – 1633 Richter Street – To designate the building located at 1633 Richter Street, Kelowna, B.C., commonly known as the ‘Glenn Avenue School’ as a Municipal Heritage Site pursuant to Section 967 of the Local Government Act.

Staff:

- This subject bylaw and the next bylaw on this agenda are both for designation of old school buildings as Municipal Heritage Sites. With this designation, any structural changes to the buildings would require the approval of Council.
- Glenn Avenue School was constructed in 1910 and was Kelowna's first brick school building. Today it houses the Central Okanagan Boys & Girls Club. About \$450,000 has been spent by the Boys & Girls Club fixing up the building, specifically the second floor which until 1998 was used as storage and is now used for offices and classrooms. Their lease of the building is a 25 year lease and it expires in 2014.
- Central Elementary is now used by the Central Okanagan School District but no longer for primary school purposes.
- Both buildings are owned by the City.
- The Community Heritage Commission supports designation of both buildings.

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

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

Council:

- When the Province did their heritage inventory Central Elementary School was identified as one of the best brick buildings in the province.

There were no further comments.

3.5 City of Kelowna

- 3.5 Bylaw No. 8805 (Central Elementary School Heritage Designation Bylaw) – City of Kelowna – 1825 Richter Street – To designate the building located at 1825 Richter Street, Kelowna, B.C., commonly known as the ‘Central Elementary School’ as a Municipal Heritage Site pursuant to Section 967 of the Local Government Act.

See discussion under agenda item No. 3.4.

4. TERMINATION:

The Hearing was declared terminated at 8:14 p.m.

Certified Correct:

Deputy Mayor Day

City Clerk

BLH/am